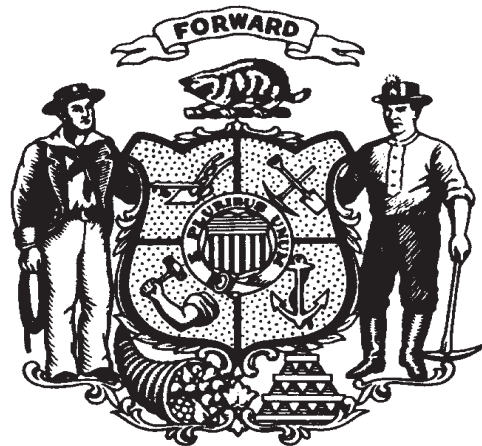


Wisconsin Administrative Register

No. 549



Publication Date: September 14, 2001

Effective Date: September 15, 2001



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Madison, Wisconsin 53703-3233

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Emergency rules now in effect

Under s. 227.24, Stats., state agencies may promulgate rules without complying with the usual rule–making procedures. Using this special procedure to issue emergency rules, an agency must find that either the preservation of the public peace, health, safety or welfare necessitates its action in bypassing normal rule–making procedures.

Emergency rules are published in the official state newspaper, which is currently the Wisconsin State Journal. Emergency rules are in effect for 150 days and can be extended up to an additional 120 days with no single extension to exceed 60 days.

Extension of the effective period of an emergency rule is granted at the discretion of the Joint Committee for Review of Administrative Rules under s. 227.24 (2), Stats.

Notice of all emergency rules which are in effect must be printed in the Wisconsin Administrative Register. This notice will contain a brief description of the emergency rule, the agency finding of emergency, date of publication, the effective and expiration dates, any extension of the effective period of the emergency rule and information regarding public hearings on the emergency rule.

Copies of emergency rule orders can be obtained from the promulgating agency. The text of current emergency rules can be viewed at www.legis.state.wi.us/rsb/code.

Commerce

(Financial Assistance for Businesses and Communities) (Chs. Comm 105–128)

Rules adopted revising **ch. Comm 113** relating to the allocation of volume cap on tax–exempt private activity bonds.

Finding of emergency

The Department of Commerce finds that an emergency exists and that the adoption of a rule is necessary for the immediate preservation of public health, safety and welfare.

Pursuant to s. 560.032, Stats., the Department of Commerce (Commerce) is responsible for administering the allocation of volume cap. The emergency rule is being adopted to incorporate in the administrative code recent changes to the Internal Revenue Code (Section CFR 146) which increases state volume cap limits on tax–exempt private activity bonds. The year 2000 limit was \$50 per resident of the state. For the year 2001 the limit has been raised to \$62.50; for the year 2002, the limit will be \$75.00; and thereafter, the limit will be indexed to inflation. The rule identifies a formula for the allocation of volume cap for the year 2001 and future years. This emergency rule outlines the distribution of the volume cap between the State Building Commission, the Wisconsin Housing and Economic Development Authority, and Commerce. The rules are also being revised to provide an allocation process that will allow Commerce to be more responsive to the needs of businesses as changes occur in the state’s economy.

Publication Date: April 26, 2001
Effective Date: April 26, 2001
Expiration Date: September 23, 2001
Hearing Date: July 16, 2001

Financial Institutions – Corporate and Consumer Services

Rules adopted repealing **ch. SS 3** and creating **chs. DFI–CCS 1 to 6**, relating to the Uniform Commercial Code.

Finding of emergency

2001 Act 10 repealed and recreated the Wisconsin Uniform Commercial Code (“UCC”), effective July 1, 2001. The act authorizes the Department of Financial Institutions to promulgate rules to implement the UCC. Without these rules, the department will be unable to operate either a state–wide lien filing system or give effect to the provisions of the UCC before permanent rules can be promulgated. The act is part of an effort by the National Conference of Commissioners on Uniform State Laws and all member states to implement a revised model Uniform Commercial Code on July 1, 2001 to facilitate interstate commerce with nation–wide uniformity in lien filings. The rules address general provisions, acceptance and refusal of documents, the information management system, filing and data entry procedures, search requests and reports, and other notices of liens under the UCC.

Publication Date: July 2, 2001
Effective Date: July 2, 2001
Expiration Date: November 29, 2001

Health & Family Services

(Community Services, Chs. HFS 30–)

A rule was adopted amending **s. HFS 94.20 (3)**, relating to patients’ rights.

Finding of emergency

The Department of Health and Family Services finds that an emergency exists and that the adoption of the rules are necessary for the immediate preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The Department operates secure mental facilities for the treatment of ch. 980, Stats., sexually violent patients. Departmental investigations have indicated that a portion of the ch. 980 inpatient population has routinely abused their s. HFS 94.20 telephone rights by making inappropriate calls to members of the public, by fraudulently placing numerous long distance calls that are billed to innocent third–parties or by operating fraudulent schemes. Since the Department has previously had no means of monitoring patient telephone use, the extent of this activity is unknown, but given the experience of investigations triggered by citizen complaints, it is clear

that these sorts of activities are not infrequent among this population. In addition, experience with telephone monitoring in other secure institutions indicates that call monitoring can and does help staff detect contraband and other security–related issues and activities. These abuses are clearly contrary to the therapeutic activities conducted at the secure mental health facilities.

Until recently, the Department has been unable to stop these abuses because the Department's facilities lacked secure telephone systems. Previous DHFS efforts to obtain secure telephone systems from the telephone system's vendor used by the Department of Corrections were not successful because the call volume at DHFS's secure mental health facilities were viewed as insufficient to support the telephone system.

In late 2000, the Department of Corrections selected a new vendor for its secure telephone system. In May 2001, the new vendor agreed to also install the system in DHFS's secure mental health facilities. The installation of the system at the facilities will be completed by June 20, 2001. The systems will allow the Department to establish and enforce calling lists for each inpatient and monitor inpatients' calls for counter–therapeutic activity. An inpatient's calling lists is a finite number of telephone numbers associated with persons the inpatient is approved to contact by telephone. Use of calling lists alone, however, is insufficient to discourage and minimize inpatient attempts to subvert the system. The Department must monitor phone calls made by ch. 980 inpatients to discourage and minimize the occurrence of inpatients calling persons on their calling list who, in turn, subvert the secure system by forwarding the inpatient's call for the prohibited purposes and activities previously described. The Department must be able to monitor the phone calls of ch. 980 inpatients both to protect the public and promote therapeutic activities at the secure mental health facilities.

The Department is issuing these rules on an emergency basis to protect the public's safety by minimizing the recurring fraudulent activity associated with telephone use. These rules also ensure the public's safety and welfare by promoting the effective treatment mission of the secure mental health facilities. The recording capability of the telephone system hardware that has been installed at the Wisconsin Resource Center and the Sand Ridge Secure Treatment Center cannot be turned off, i.e., when the system is functional, all features of the system are fully operational. If the secure telephone system is not operational, both the Wisconsin Resource Center and the Sand Ridge facility will lose the therapeutic and safety advantages afforded by the system. Since the Sand Ridge facility is accepting its first patients during the week of June 18th, there is not alternative telephone system for patients.

Publication Date: June 22, 2001
Effective Date: June 22, 2001
Expiration Date: November 19, 2001
Hearing Date: September 12, 2001

Health & Family Services

(Health, Chs. HFS 110–)

Rules adopted revising **ch. HFS 119**, relating to the Health Insurance Risk–Sharing Plan (HIRSP).

Exemption from finding of emergency

Section 149.143 (4), Stats., permits the Department to promulgate rules required under s. 149.143 (2) and (3), Stats., by using emergency rulemaking procedures, except that the Department is specifically exempted from the requirement under s. 227.24 (1) and (3), Stats., that it make a finding of emergency. These are the emergency rules. Department staff consulted with the Health Insurance Risk–Sharing Plan (HIRSP) Board of Governors on April 25, 2001 on the rules, as required by s. 149.20, Stats.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk–Sharing Plan (HIRSP) for the purpose of making health insurance coverage available to medically uninsured residents of the state. HIRSP offers different types of medical care coverage plans for residents.

One type of medical coverage provided by HIRSP is the Major Medical Plan. This type of coverage is called Plan 1. Eighty–six percent of the 10,790 HIRSP policies in effect in March 2001, were of the Plan 1 type. Plan 1 has Option A (\$1,000 deductible) or Option B (\$2,500 deductible). The rate increases for Plan 1 contained in this rulemaking order increase an average of 3.4%. Rate increases for specific policyholders range from 0.0% to 4.9%, depending on a policyholder's age, gender, household income, deductible and zone of residence within Wisconsin. This increase reflects industry–wide premium increases and takes into account the increase in costs associated with Plan 1 claims. According to state law, HIRSP premiums must fund 60% of plan costs and cannot be less than 150% of the amount an individual would be charged for a comparable policy in the private market.

A second type of medical coverage provided by HIRSP is supplemental coverage for persons eligible for Medicare. This type of coverage is called Plan 2. Plan 2 has a \$500 deductible. Fourteen percent of the 10,790 HIRSP policies in effect in March 2001, were of the Plan 2 type. The rate increases for Plan 2 contained in this rulemaking order increase an average of 3.4%. Rate increases for specific policyholders range from 0.0% to 4.9%, depending on a policyholder's age, gender, household income and zone of residence within Wisconsin. These rate increases reflect industry–wide cost increases.

The Department through this rulemaking order proposes to amend ch. HFS 119 in order to update HIRSP premium rates in accordance with the authority and requirements set out in s. 149.143 (3) (a), Stats. The Department is required to set premium rates by rule. HIRSP premium rates must be calculated in accordance with generally accepted actuarial principles.

The Department through this order is also adjusting the total HIRSP insurer assessments and provider payment rates in accordance with the authority and requirements set out in s. 149.143 (2) (a) 3. and 4., Stats. With the approval of the HIRSP Board of Governors and as required by statute, the Department reconciled total costs for the HIRSP program for calendar year 2000. The Board of Governors approved a methodology that reconciles the most recent calendar year actual HIRSP program costs, policyholder premiums, insurance assessments and health care provider contributions collected with the statutorily required funding formula.

By statute, the adjustments for the calendar year are to be applied to the next plan year budget beginning July 1, 2001. The total annual contribution to the HIRSP budget provided

by an adjustment to the provider payment rates is \$19,982,024. The total annual contribution to the HIRSP budget provided by an assessment on insurers is \$19,617,772. On April 25, 2001, the HIRSP Board of Governors approved the calendar year 2000 reconciliation process and the HIRSP budget for the plan year July 1, 2001 through June 30, 2002.

The fiscal changes contained in this order also reflect the conversion of HIRSP from cash accounting to accrual accounting, as recommended by the Legislative Audit Bureau and the HIRSP Board of Governors. Cash accounting recognizes the costs of claims and expenses when paid. Accrual accounting recognizes the costs of claims and expenses in the time period when first incurred. Basically, HIRSP program liabilities have been understated under the cash accounting methodology. The net effect of the HIRSP conversion to accrual accounting is to provide a more accurate reflection of the program's financial condition.

Publication Date: June 29, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001

Insurance

Rules adopted revising **ch. Ins 17**, relating to annual patients compensation fund and mediation fund fees.

Finding of emergency

The commissioner of insurance finds that an emergency exists and that promulgation of this emergency rule is necessary for the preservation of the public peace, health, safety or welfare. The facts constituting the emergency are as follows:

The commissioner was unable to promulgate the permanent rule corresponding to this emergency rule, clearinghouse rule No. 01–035, in time for the patients compensation fund (fund) to bill health care providers in a timely manner for fees applicable to the fiscal year beginning July 1, 2001.

The commissioner expects the permanent rule will be filed with the secretary of state in time to take effect October 1, 2001. Because the fund fee provisions of this rule first apply on July 1, 2001, it is necessary to promulgate the rule on an emergency basis. A hearing on the permanent rule, pursuant to published notice thereof, was held on May 16, 2001.

Publication Date: June 12, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001

Natural Resources – (3)

(Fish, Game, etc., Chs. NR 1–)

1. Rules adopted amending **s. NR 20.20 (73) (j) 1. and 2.**, relating to sport fishing for yellow perch in Green Bay and its tributaries and **s. NR 25.06 (2) (b) 1.**, relating to commercial fishing for yellow perch in Green Bay.

Finding of emergency

The Department of Natural Resources finds that an emergency exists and rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

Yellow perch contribute significantly to the welfare of Wisconsin citizens by supporting popular and economically valuable sport and commercial fisheries. The yellow perch population in Green Bay is rapidly declining. This decline reflects a number of years of very poor reproduction. The only recent year with reasonably good natural reproduction was 1998. The fish spawned that year contributed to the sport harvest in 2001 and will become vulnerable to commercial gear this summer. Sport and commercial harvests of adult yellow perch must be limited immediately in order to protect those fish and maximize the probability of good reproduction in the near future.

Publication Date: June 30, 2001
Effective Date: July 1, 2001
Expiration Date: November 28, 2001
Hearing Date: August 13, 2001

2. Rules adopted revising **ch. NR 10**, pertaining to deer hunting in various deer management units.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. This emergency rule is needed to control deer populations that are significantly over goal levels in order to prevent substantial deer damage to agricultural lands and forest resources, and to minimize deer nuisance problems, thereby protecting the public peace, health, safety and welfare. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify the rules will result in excessively high deer populations well above established goal levels, causing substantial deer damage to agricultural lands and forest resources, and potential for disease.

Publication Date: May 16, 2001
Effective Date: September 1, 2001
Expiration Date: January 29, 2002
Hearing Date: June 11, 2001

3. Rules adopted revising **ch. NR 10**, relating to the 2001 migratory game bird season.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public welfare. The federal government and state legislature have delegated to the appropriate agencies rule-making authority to control the hunting of migratory birds. The State of Wisconsin must comply with federal regulations in the establishment of migratory bird hunting seasons and conditions. Federal regulations are not made available to this state until mid–August of each year. This order is designed to bring the state hunting regulations to conformity with the federal regulations. Normal rule-making procedures will not allow the establishment of these changes by September 1. Failure to modify our rules will result in the failure to provide hunting opportunity and continuation of rules which conflict with federal regulations.

Publication Date: August 29, 2001
Effective Date: September 1, 2001
Expiration Date: January 29, 2002

Public Service Commission

Rules adopted amending s. PSC 116.03 (4) and creating s. PSC 116.04 (6) relating to the definition of fuel and permissible fuel costs.

Finding of emergency

In order to preserve the health, safety, and welfare of

Wisconsin residential, commercial and industrial ratepayers it is necessary to amend ch. PSC 116 Wis. Adm. Code. Amending the definition of “fuel” in s. PSC 116.03 (4) and creating s. PSC 116.04 (6) would allow investor–owned utilities the ability to incorporate the cost of voluntary curtailment into the cost of fuel to increase the reliability of electric service in Wisconsin for the summer of 2001 and beyond. This change would assist in implementing the requirement of 1999 Wis. Act 9, s. 196.192 (2) (a), Stats.

Publication Date: May 19, 2001
Effective Date: May 19, 2001
Expiration Date: October 16, 2001

Scope statements

Accounting Examining Board

Subject

Professional standards for CPA audits, reviews and attestation engagements; licensing requirements for CPA firms; peer review of CPA firms; renewal requirements; experience requirements for CPA applicants.

Objective of the Rule. To revise rules in Wis. Admin. Code chs. 1, 3, 4, 5 and 7 according to the mandates of the 2001 Executive Budget Act to accomplish the following:

1. Adopt, by reference, professional standards of the American Institute of Certified Public Accountants in the areas of *Statements On Auditing Standards*, *Statements On Standards For Accounting And Review Services* and the *Standards For Attestation Engagements*.

2. Modify the requirements for licensing of CPA firms:

- Define the term “ownership interest” for determining who holds an ownership interest in a firm and for determining the percentage of a person’s ownership interest in a firm.

- Provide for the registration for partnership names.

- For a firm with non–CPA owners, describe how the firm designates an individual CPA to be responsible for the firm’s compliance with ch. 442, Wis. Stats.

- Require a CPA firm have at least a 50% CPA ownership interest.

- Require that attest services provided by a CPA firm be under the charge of a CPA.

- Require that non–CPA owners actively participate in the firm or an affiliate.

3. Revise renewal requirements:

- A firm that applies to renew its license must provide the same information and make the same demonstrations that are required for initial issuance of the license.

- After January 1, 2005, the Department of Regulation and Licensing may not renew a firm’s license unless the firm undergoes peer review at least once every three years.

- Describe the peer review required to renew a firm’s license. Include requirements for the board to approve one or more persons to conduct the peer reviews and require periodical reports to the Accounting Examining Board on the effectiveness of the peer reviews conducted and a listing of all firms that have undergone peer review.

4. Change the experience requirement for CPA applicants to “one–year.”

Policy analysis

Changes relating to certified public accountants were effective with the publication of 2001 Executive Budget Act. The Act deletes antiquated provisions related to CPA licensing and implements the new Uniform Accountancy Act. Rules will be adopted to implement requirements of the Act, which are described generally, below:

The Act requires the Accounting Examining Board to adopt certain professional standards of the American Institute of Certified Professional Accountants.

Changes are made to the regulation of CPAs. The bill requires an applicant for a CPA certificate to have one year of public accounting experience or its equivalent instead of two

years as currently required. Two new exceptions are created to the prohibition on practicing as a CPA without a certificate.

Changes are made to the requirements for CPA firms. Applicants for a firm license must demonstrate that more than 50% of the ownership interest of the firm is held by CPAs, that non–CPA firm owners actively practice in the firm or an affiliate, and that all attest services are under the charge of a Wisconsin CPA.

Renewal requirements for firms are modified: A firm that applies to renew its license must provide the same information and make the same demonstrations that are required for initial issuance of the license. After January 1, 2005, the Department of Regulation and Licensing may not renew a firm’s license unless the firm undergoes peer review at least once every three years.

Statutory authority

Sections 15.08 (5) (b) and 227.11 (2), Stats. The 2001 Wisconsin Executive Budget Act, Sections 3605pb – 3605vz.

Staff time required

320 hours.

Agriculture, Trade and Consumer Protection

Subject

Telephone Solicitations (“Do Not Call” List).

Objective of the rule. Adopt rules to interpreting and administer s. 100.52, Wis. Stats., as required by the Legislature.

Policy analysis

The Wisconsin Legislature, in the 2001–2002 Biennial Budget Act, enacted s. 100.52, Wis. Stats. (telephone solicitations). Among other things, this law requires the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to create a “Do Not Call” list of Wisconsin consumers who do not want to receive telephone solicitations. Telephone solicitors must register with DATCP, pay fees, and refrain from calling consumers on the list.

The Legislature directed DATCP to adopt rules for the “Do Not Call” list. Among other things, DATCP rules must:

- Establish procedures for creating, maintaining and updating the list.

- Require telephone solicitors to register with DATCP and pay an annual registration fee. The rules must establish the amount of the registration fee.

DATCP may adopt related rules as necessary. DATCP may adopt these rules under s.100.52 or 100.20 (2), Wis. Stats. (Unfair Trade Practices and Methods of Competition).

Policy alternatives

The Legislature has directed DATCP to adopt rules. DATCP has no alternative but to do so. DATCP has not yet determined the content of the rules.

Statutory authority

Sections 100.52 and 100.20 (2), Wis. Stats.

Staff time required

DATCP estimates that it will use approximately .50 FTE staff time to develop this rule. This includes research, drafting, preparing related documents, holding public

hearings, coordinating advisory council discussions and communicating with affected persons and groups. DATCP will assign existing staff to develop this rule.

Insurance

Subject

Regarding Section Ins 3.37, Wis. Adm. Code, relating to Transitional Treatment Arrangements.

Objective of the rule. Revision of s. Ins 3.37 is necessary to correct cross–references to the Department of Health and Family Services Wisconsin Administrative Code sections relating to transitional treatment, to modify existing covered transitional treatment services and incorporate crisis intervention services are a type of outpatient treatment services intended to be covered under s. Ins 3.37 as a type of transitional treatment.

Policy analysis

A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

Section Ins 3.37 mandates types transitional treatment coverage that are required to be covered under group health insurance policies. The proposed revisions will update and clarify cross–references to the Department of Health and Family Services sections of the Wisconsin Administrative Code.

Statutory authority

Sections 601.41 (3) and 632.89 (4), Stats.

Staff time required

A working group within the agency will review the current rule, changes in HFS sections of the Wisconsin Administrative Code and recommend revisions including the addition of crisis intervention treatment. It is estimated to take approximately 100 hours.

Medical Examining Board

Subject

Failing to cooperate in a timely manner.

Objective of the Rule. To define as unprofessional conduct failing to cooperate in a timely manner with the department’s investigation of a complaint.

Policy analysis

The proposed change adds to the definitions of unprofessional conduct failing to cooperate in a timely manner with the department’s investigations.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Staff time required

80 hours.

Medical Examining Board

Subject

Sexual contact with patients.

Objective of the Rule. To define as unprofessional conduct sexual contact with a patient.

Policy analysis

The proposed change adds sexual contact with a patient to the definitions of unprofessional conduct.

Statutory authority

Sections 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Staff time required

80 hours.

Revenue

Subject

Section Tax 61.085, relating to the Retailer Performance Program of the Wisconsin Lottery.

Objective of the rule. The objective of this proposed rule is to amend rule authority for the Retailer Performance Program (the RPP) of the Wisconsin Lottery. The current program is functioning efficiently, but it is believed that a better return on investment will be generated by re–focusing the sales goals portion.

Administratively, it has also become apparent that under the current rules, some retailers could receive payment for performance which is not completely consistent with the intent of the program. While the Lottery has taken administrative steps to ensure that the number of such occurrences are minimized, these proposed changes will address those issues in a manner consistent with current program standards regarding eligibility, qualification and payment.

Policy analysis

Existing policies are set forth in the rules. Under this proposed rule order, the RPP is being updated to allow for a more product–focused implementation strategy. There are two substantive changes in this order. First, funding authority is being shifted toward those aspects of the program with the best potential for improved return on investment when compared to current results.

Second, these amendments will include the implementation of the concept of Features & Procedures program documents, to allow for more customer–responsive RPP incentive programs. The use of this type of administrative control is consistent with current industry practices regarding retailer incentive programs, and is a technique which the Lottery uses to significant success in developing new games. Applying it to the RPP will improve both program results and product planning by allowing more responsive implementation.

In this proposed rule, the sales goals portion of the rules is repealed, and the short–term incentive portion is broadened into a general “Performance Incentive”. Current controls on short–term program funding and number of incentives conducted will be removed, while still maintaining the overall cap on general funding authority for RPP as stated in s. 565.02 (4) (g).

Statutory authority

Sections. 227.11 (2) (a), 565.02 (4) (g) and 565.10 (14) (b) 3m., Stats.

Staff time required

It is estimated that approximately 120 hours of staff time will be required to complete this proposed rule.

Transportation

Subject

Objective of the rule. Ch. Trans 131 governs the vehicle emission inspection program in Southeast Wisconsin. A provision of the rule establishes the times at which vehicles are required to be inspected, including that a vehicle must be inspected within 90 days before registration renewal expiration. This rule making will reflect a change in the

number of days that vehicles are required to have an emission inspection prior to registration renewal.

Policy analysis

This rule making will establish policies and procedures for designating special groups eligible for distinctive license plates and procedures for plate issuance. These policies and procedures will be new, but the Department will be guided by current special plate issuance policies and procedures so that it can be as consistent as possible in this new program.

Statutory authority

Sections ss. 110.20 (9) and 227.11 (2), Stats.

Staff time required

10 hours

Workforce Development

Subject

Repeal and update of ILHR employment and training rules.

Policy analysis

The objective of this rule package is to update and renumber ILHR 820, relating to employment and training assistance for dislocated workers, and to repeal the following obsolete rules:

- ILHR 805, Allowable Costs under the Job Training Partnership Act
- ILHR 811, Performance–Based Contracting
- ILHR 816, Dislocated Worker Program
- ILHR 830, Wisconsin Job Opportunity and Business Subsidy Program

Statutory authority

Sections 106.15, 106.20, 103.005, and 227.11, Stats.

Staff time required

120 hours

Submittal of rules to legislative council clearinghouse

Please check the Bulletin of Proceedings for further information on a particular rule.

Nursing Home Administrator Examining Board

Rule Submittal Date

On September 4, 2001, the Nursing Home Administrator Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 456.02, Stats.

The proposed rule–making order relates to examination, education, continuing education, reciprocity requirements and unprofessional conduct.

Agency Procedure for Promulgation

A public hearing is required and will be held on October 18, 2001 at 10:00 a.m. in Room 180, 1400 East Washington Avenue, Madison, Wisconsin.

Contact Person

Pamela Haack, Paralegal, Office of Administrative Rules, (608) 266–0495.

Regulation and Licensing

Rule Submittal Date

On September 4, 2001, the Department of Regulation and Licensing submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 227.11 (2), 458.03 and 458.085,

Stats.

The proposed rule–making order relates to real estate appraisers.

Contact Person

Pamela Haack, Paralegal, Office of Administrative Rules, (608) 266–0495.

Workforce Development

Rule Submittal Date

Notice is hereby given that on August 28, 2001, the Department of Workforce Development submitted to the Wisconsin Legislative Council Rules Clearinghouse a proposed order affecting ch. DWD 11.

Analysis

The subject matter of the proposed rule relates to Aid to Families with Dependent Children.

Agency Procedure for Promulgation

A public hearing is required and will be held on September 28, 2001. The organizational unit responsible for the promulgation of the proposed rule is the DWD Division of Economic Support.

Contact Person

If you have any questions, you may contact:

Elaine Pridgen

Telephone (608) 267–9403

Email: pridgel@dwd.state.wi.us

Rule–making notices

Notice of Proposed Rule Regulation and Licensing

[CR 01–098]

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) and 458.24, Stats., and interpreting ss. 458.24 and 458.26 (3) (b), Stats., and according to the procedure set forth in s. 227.16 (2) (e), Stats., the Department of Regulation and Licensing will adopt the following rules as proposed in this notice, without public hearing unless, within 30 days after publication of this notice, on September 15, 2001, the Department of Regulation and Licensing is petitioned for a public hearing by 25 natural persons who will be affected by the rule; a municipality which will be affected by the rule; or an association which is representative of a farm, labor, business or professional group which will be affected by the rule.

Analysis Prepared by the Department of Regulation and Licensing

Statutes authorizing promulgation: ss. 227.11 (2) and 458.24, Stats.

Statutes interpreted: ss. 458.24 and 458.26 (3) (b), Stats.

In this proposed rule–making order the Department of Regulation and Licensing proposes to repeal and recreate ch. RL 87, Appendix I, which contains the 1996 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Text of Rule

SECTION 1. Chapter RL 87, Appendix I, is repealed and recreated to read:

APPENDIX I

Uniform Standards of Professional Appraisal Practice

The 2001 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is hereby incorporated by reference into this Appendix. The 2001 edition of USPAP is effective January 1, 2001 to December 31, 2001.

Copies of the 2001 edition of USPAP may be purchased from the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C., 20005–3517, (202) 347–7722. Copies of the 2001 edition of USPAP may also be obtained, at no charge, from the Appraisal Foundation’s website at <http://www.appraisalfoundation.org>.

Note: As required under s. 227.21, Stats., the attorney general and revisor of statutes have consented to the incorporation by reference of the 2001 edition of the Uniform Standards of Professional Appraisal Practice. Copies of the 2001 edition of the USPAP are on file in the offices of the department, the secretary of state, and the revisor of statutes.

Initial Regulatory Flexibility Analysis

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

Fiscal Estimate

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

Copies of Rule and Contact Person

Copies of this proposed rule are available without cost upon request to: Pamela Haack, Department of Regulation and Licensing, Office of Administrative Rules, 1400 East Washington Avenue, Room 171, P.O. Box 8935, Madison, Wisconsin 53708–8935, (608) 266–0495.

Notice of Hearing

Workforce Development

(Economic Support Chs. DWD 11– 59)

[CR 01–099]

NOTICE IS HEREBY GIVEN that pursuant to ss. 49.19 and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the repeal of rules relating to the Aid to Families with Dependent Children program.

Hearing Information

September 28, 2001 Friday 1:30 p.m.	GEF 1 Bldg, Room 400X 201 E. Washington Avenue Madison
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Interested persons are invited to appear at the hearing and will be afforded the opportunity to make an oral presentation of their positions. Persons making oral presentations are requested to submit their facts, views, and suggested rewording in writing.

An accessible entrance to the building is available via a ramp from the corner of Washington Avenue and Webster Street to the Webster Street entrance. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 267–9403 at least 10 days prior to the hearing date. Accommodations such as ASL interpreters, English translators, or materials in audiotape format will be made available on request to the fullest extent possible.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.19, and 227.11, Stats.

Statute interpreted: s. 49.19, Stats.

The objective of the rule is to repeal chapter DWD 11, relating to the Aid to Families with Dependent Children program. The AFDC program has been replaced by Wisconsin Works, ss. 49.141 to 49.161, Stats., and ch. DWD 12.

The Department of Health and Family Services has consented to repeal of this rule chapter. Although the determination of Medicaid eligibility remains connected to AFDC and s. 49.19, Stats., Medicaid statutes and rules do not refer to ch. DWD 11.

Initial Regulatory Flexibility Analysis

The proposed rule does not affect small business as defined in s. 227.14, Stats.

Fiscal Impact

There is no fiscal impact.

Rule Text

SECTION 1. Chapter DWD 11 is repealed.

Contact Information and Written Comments

Written comments on the proposed rules received at the

following address no later than October 3, 2001, will be given the same consideration as testimony presented at the hearing.

Elaine Pridgen
Office of Legal Counsel
Dept. of Workforce Development
201 E. Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
(608) 267-9403
pridgel@dwd.state.wi.us

Submittal of proposed rules to the legislature

Please check the Bulletin of Proceedings for further information on a particular rule.

Commerce

(CR 01–070)

Ch. Comm 113 – Relating to allocation of volume cap on tax–exempt private activity bonds.

Controlled Substances Board

(CR 01–071)

Ch. CSB 2 – Relating to the scheduling of Dihydroetorphine.

Health and Family Services

(CR 00–172)

Ch. HFS 163 – Relating to certification for the identification, removal and reduction of lead–based paint hazards and the issuance and registration of certificates of lead–free status and lead–safe status.

Financial Institutions – Securities

(CR 01–082)

Chs. DFI–Sec 2, 4 and 5 – Relating to securities broker–dealer, agent, investment adviser and investment adviser representative licensing procedures, examination requirements, and rule of conduct provisions.

Financial Institutions – Securities

(CR 01–083)

Chs. DFI–Sec 2, 7 and 9 – Relating to securities registration exemptions involving capital formation by businesses.

Natural Resources

(CR 01–007)

Ch. NR 5 – Relating to safety and enforcement.

Natural Resources

(CR 01–038)

Ch. NR 8 – Relating to issuance of licenses and approvals.

Natural Resources

(CR 01–053)

Ch. NR 166 – Relating to safe drinking water loan program financial assistance.

Transportation

(CR 01–084)

Ch. Trans 195 – Relating to fees for searching, verifying and certifying motor vehicle records.

Rule orders filed with the revisor of statutes bureau

The following administrative rule orders have been filed with the Revisor of Statutes Bureau and are in the process of being published. The date assigned to each rule is the projected effective date. It is possible that the publication date of these rules could be changed. Contact the Revisor of Statutes Bureau at (608) 266-7275 for updated information on the effective dates for the listed rule orders.

Medical Examining Board**(CR 01-031)**

An order affecting ch. Med 10, relating to prescribing or dispensing schedule II amphetamines or schedule II anorectics.

Effective 11-1-01

Medical Examining Board**(CR 01-032)**

An order affecting ch. Med 1, relating to the United States Medical Licensing Examination (USMLE).

Effective 11-1-01

Natural Resources**(CR 00-111)**

An order affecting chs. NR 716, 749, 811 and 812, relating to implementation of a geographic information system registry of closed remediation sites, for properties with groundwater contamination exceeding NR 140 enforcement standards at the time of case closure.

Effective 11-1-01

Natural Resources**(CR 01-002)**

An order affecting ch. NR 415, relating to control of particulate matter emissions.

Effective 11-1-01

Natural Resources**(CR 01-008)**

An order affecting chs. NR 1, 10, 11, 16, 17 and 45, relating to hunting, trapping and captive wildlife.

Effective 11-1-01, 1-1-02 and 4-1-02

Natural Resources**(CR 01-012)**

An order affecting chs. NR 20, 21 and 50, relating to fishing on the inland, outlying and boundary waters of Wisconsin and fish rearing pond grants.

Effective 12-31-01 and 4-1-02

Natural Resources**(CR 01-013)**

An order affecting chs. NR 20 and 26, relating to sport fishing on the inland, outlying and boundary waters and fish refuges on the inland waters of Wisconsin.

Effective 12-31-01 and 4-1-02

Natural Resources**(CR 01-014)**

An order creating ch. NR 199, establishing municipal flood control and riparian restoration grants.

Effective 11-1-01

Natural Resources**(CR 01-036)**

An order affecting ch. NR 46, relating to the administration of the Forest Crop Law and the Managed Forest Law.

Effective 11-1-01

Transportation**(CR 01-065)**

An order affecting ch. Trans 276, relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.

Effective 10-1-01

Public notice

Health and Family Services

(Medicaid Reimbursement of Rural Health Clinics)

The state of Wisconsin reimburses rural health clinics (RHCs) and federally qualified health clinics (FQHCs) for services provided to low–income persons under the authority of Title XIX of the Federal Social Security Act and sections 49.43 to 49.47 of the Wisconsin Statutes. The Wisconsin Department of Health and Family Services administers this program, which is called Medical Assistance or Medicaid. Federal statutes and regulations require a state plan that provides the methods and standards for paying for Medicaid services.

A state plan is in effect that provides for the reimbursement of RHCs and FQHCs. The Department is proposing to make changes in the provisions contained in the state plan that apply to RHCs and FQHCs. The changes will affect annual cost–of–service and reimbursement rate calculations for the previous calendar year, and thus will be effective retroactive to January 1, 2001.

Proposed Change

A recent change in federal law established a new prospective payment system for FQHCs and RHCs. This change was enacted into law under section 702 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000. BIPA amends section 1902(a) of the Social Security Act by repealing the reasonable cost–based reimbursement requirements for FQHC/RHC services previously at paragraph (13)(C) and instead requiring in paragraph (15) payment for FQHCs/RHCs consistent with a new prospective payment system (PPS) described in section 1902(aa) of the Act. Under BIPA, the new Medicaid PPS takes effect on January 1, 2001. However, the law also provides for the establishment of an alternative payment methodology to the PPS system.

The intent of the change in federal law is to ensure reimbursement of FQHCs and RHCs for 100% of their reasonable costs. The above–referenced change in federal law requires the state to analyze cost data for prior fiscal years to calculate rates according to the prospective payment system. The state must reimburse an FQHC or RHC at an amount that is at least equal to that calculated under the prospective payment system. The State will modify its state plan language as necessary to comply with these provisions.

Copies of Proposed Changes and Proposed Payment Rates

When available, a copy of the proposed state plan changes may be obtained free of charge by calling or writing as follows:

Regular Mail:

Division of Health Care Financing
P.O. Box 309
Madison, WI 53701–0309
Attention: State Plan Coordinator

Fax:

(608) 266–1096
Attention: State Plan Coordinator

Telephone:

Mike Bormett
Deputy Bureau Director
Bureau of Fee–for–Service Health Care Benefits
(608) 261–7838

E–Mail:

matana@dhfs.state.wi.us

A copy of the proposed change will be made available for review at the main office of any county department of social services or human services.

Written Comments

Written comments on the proposed changes are welcome and should be sent to the above address. The comments received on the changes will be available for public review between the hours of 7:45 and 4:30 p.m. at:

Division of Health Care Financing
Room 350, State Office Building
One West Wilson Street
Madison, WI

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