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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.

Agriculture, Trade and Consumer Protection

Rules adopted revising **ch. ATCP 77**, relating to certification of drug residue screening laboratories and approval of laboratory analysts to perform drug residue screening tests on milk.

Finding of emergency

The Department of Agriculture, Trade and Consumer Protection (“department”) finds that an emergency exists and that the following emergency rule is necessary to protect the public welfare. This emergency rule will bring Wisconsin into compliance with federal requirements. Wisconsin must comply with the federal requirements in order for Wisconsin dairy plants to continue shipping milk in interstate commerce. Interstate milk shipments are critical for the state’s dairy industry, and for the overall economy and well being of the state. The facts constituting the emergency are as follows:

(1) Grade A milk shipments are governed by the Interstate Pasteurized Milk Ordinance (PMO), jointly administered by the United States Food and Drug Administration (FDA) and the National Conference of Interstate Milk Shippers (representing participating states). In order for Wisconsin dairy plants to ship milk in interstate, Wisconsin must comply with the PMO and FDA mandates related to the PMO. Under s. 97.24, Stats., the Wisconsin Legislature has directed the department to adopt rules that conform to the PMO.

(2) Under the PMO and current state rules, all raw milk received by a dairy plant must be tested for certain drug residues (antibiotics from the penicillin family of drugs).

(3) FDA approves tests used for drug residue testing. There are 15 different tests that are approved for use. Some of these tests use a mechanical reader that determines the test result and then records it on a printer tape or directly to a computer. But other approved tests are “visually read”, and involve no mechanical reader. In these tests, an individual analyst

interprets a color change to determine whether drug residues are present.

(4) The department currently certifies laboratories and analysts that conduct confirmatory drug residue tests on raw milk samples. The department certifies these laboratories and analysts under ch. ATCP 77, Wis. Adm. Code. The department does not currently certify laboratories or analysts that perform only preliminary screening tests for drug residues, although it does provide training. Some preliminary screening tests use mechanical readers, while others are “visually read.”

(5) On July 2, 2001, FDA issued a new directive requiring states to approve laboratories that conduct screening tests (not just confirmatory tests) for drug residues in milk. A state must conduct an on-site evaluation before approving a laboratory or analyst to conduct “visual read” screening tests. According to the FDA, the department must complete its evaluations and issue its approvals by March 1, 2002. FDA may de-certify Wisconsin milk shippers if the department fails to carry out this directive, or if milk shipments are not tested by approved laboratories and analysts. De-certification could prevent the movement of Wisconsin milk in interstate commerce.

(6) In order to ensure the continued movement of Wisconsin milk in interstate commerce, the department must adopt rules expanding the current lab certification program under ch. ATCP 77, Wis. Adm. Code. The rules will require certification of laboratories conducting drug residue screening tests. The rules will also require on-site evaluation and approval of individual analysts conducting “visual read” screening tests. The rules will create new lab certification fees to pay for the expanded program, including the cost to perform the required on-site evaluations. The department must adopt these rules as soon as possible, in order to complete the required evaluations and issue the required approvals by March 1, 2002.

(7) The department cannot create this new program, by normal rulemaking procedures, in time to meet the March 1, 2002 deadline. The department is therefore adopting this temporary emergency rule under s. 227.24, Stats., pending the adoption of “permanent” rules by normal procedures. This emergency rule is needed to ensure the continued movement of Wisconsin milk in interstate commerce, and to prevent the economic disruption that would occur if that movement were interrupted.

Publication Date: November 15, 2001

Effective Date: November 15, 2001

Expiration Date: April 14, 2002

Hearing Dates: November 29, December 4, 5 & 6, 2001

Commerce (3)

(Financial Assistance for Businesses and Communities)

(Chs. Comm 105–128)

1. Rules adopted revising **ch. Comm 110** relating to brownfields redevelopment grants.

Finding of emergency

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

The facts constituting the emergency are as follows. Under section 3628 of 2001 Wis. Act 16, the Department must begin

accepting applications from trustees and nonprofit organizations, for brownfields redevelopment grants. And, under section 3630 of the Act, the Department must begin disallowing use of the grant funds to pay either delinquent real estate taxes or lien claims of the Department of Natural Resources or the federal Environmental Protection Agency.

The Department's rules for administering the brownfields grant program are currently contained in ch. Comm 110 Wis. Adm. Code. These current rules do not recognize trustees and nonprofit organizations as eligible applicants, and do not include disallowing grant funds for payments on either back taxes, or on state or federal lien claims.

In November, the Department expects to begin promulgating permanent rules for making ch. Comm 110 consistent with Act 16. Due to the mandatory rulemaking procedures under ch. 227, Stats., the permanent rules are not expected to become effective until July 1, 2002. In order to comply with Act 16 by accepting applications and issuing grants for trustees and nonprofit organizations prior to then, emergency rules reflecting these changes are needed, as included herein. These emergency rules also address the above disallowance for grant proceeds, and include some minor updating of the ch. Comm 110 criteria for submitting grant applications and for filing subsequent financial and program reports.

Pursuant to s. 227.24, Stats., this rule is adopted as an emergency rule to take effect upon publication in the official state newspaper and filing with the Secretary of State and Revisor of Statutes.

Publication Date: October 27, 2001
Effective Date: October 27, 2001
Expiration Date: March 26, 2002
Hearing Date: January 11, 2002

2. Rules adopted revising **ch. Comm 108**, relating to community development block grant program.

Finding of emergency

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

The facts constituting the emergency are as follows:

- Under the state's Consolidated Plan for the expenditure of U.S. Department of Housing and Urban Development Funds (HUD), the department has available Community Development Block Grant Funds specifically for community and economic development projects that typically are planned and designed during the winter months for commencement when the ground thaws.

- Having the ability to make these grants available at this time would assist eligible local governmental units with their project planning, obtain bids during a time when bids can be as much as 20 percent less than bids obtained in late winter or early spring, and allow for construction start-up early in the spring.

- Project readiness is a consideration in awarding grants under this program.

- Bid letting and contract approvals made prior to the construction season may allow for the completion of construction projects within one construction season.

- The acceptance and funding of applications at this time will provide an economic stimulus at the local government level in the form of planning, engineering and particularly construction contracts which offer high paying jobs.

This rule revision relates to changes in definitions which occurred in the 1999 Wis. Act 9; additional program funds now available from U.S. Housing and Urban Development

(HUD); revising the application schedule on a continuing basis; and updating the process of scoring applications.

Currently public facility grants to eligible communities are awarded annually. Under this proposal, grants can be awarded throughout the year making it easier for communities to prepare and submit their proposals.

The rule revisions reflect the expansion of funding programs for public facilities planning to issue grants to eligible local governments for public facilities planning up to \$12,500 per plan.

Publication Date: December 1, 2001
Effective Date: December 1, 2001
Expiration Date: April 30, 2002
Hearing Date: January 16, 2002

3. Rules adopted creating **ch. Comm 107**, relating to Wisconsin technology zone program.

Finding of emergency

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

Facts constituting the emergency are as follows:

- In accordance with s. 560.02 (4), Stats., the department of Commerce has the responsibility to promulgate rules to provide for the attraction, promotion and expansion of high-technology business in the state.

- Section 560.96, Stats., makes available certain tax benefits for certified businesses within the 8 designated technology zones. Tax benefits are available to certified businesses if their tax year begins on or after January 1, 2002.

- In response to a downturn in the economy and recent economic forecasts, Governor McCallum has prioritized the need to promulgate these rules as part of his economic stimulus package.

- The technology zone program will address several action items identified by the 2000 Wisconsin Economic Summit to ensure Wisconsin's short- and long-term economic vitality and success, including:

1. Combating the state's 'brain drain' by increasing high tech jobs.

2. Linking Wisconsin's research expertise with Wisconsin firms to grow clusters of high-tech jobs.

3. Linking economic strategies across regions for power through collaboration.

- This emergency rule is being created in order that the process of designating the 8 technology zones be commenced as soon as possible and that such eligible businesses may become certified and participate in the tax benefits through the Wisconsin Technology Zone Program.

Publication Date: December 5, 2001
Effective Date: December 5, 2001
Expiration Date: May 4, 2002
Hearing Date: January 11, 2002

Financial Institutions – Banking

A rule was adopted creating **s. DFI-Bkg 80.90**, relating to registration fees under the Wisconsin Consumer Act.

Finding of emergency

2001 Wis. Act 16 authorizes the Department of Financial Institutions to adopt rules pertaining to registration fees under the Wisconsin Consumer Act. The proposed rule revises the

formula for calculating these fees. Without this rule, the department is unable to effectuate the legislature's requirement that registrations be completed by February 28, 2002.

Publication Date: December 3, 2001
Effective Date: December 3, 2001
Expiration Date: May 2, 2002
Hearing Date: January 28, 2002

Financial Institutions – Corporate and Consumer Services

Rules adopted repealing **ch. SS 3** and repealing and recreating **chs. DFI–CCS 1 to 6**, created as emergency rules, 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: October 24, 2001
Effective Date: October 24, 2001
Expiration Date: March 23, 2002
Hearing Date: December 3, 2001

Health & Family Services (Community Services, Chs. HFS 30—)

Rules adopted revising **ch. HFS 90**, relating to early intervention services for children birth to 3 with developmental needs.

Finding of emergency

The Department of Health and Family Services finds that an emergency exists and that the rules are necessary for the immediate preservation of the health and welfare of children receiving early intervention services under the Wisconsin “Birth to 3 Program.” The facts constituting the emergency are as follows:

Counties must, under s. 51.44 (3) and (4), Stats., and s. HFS 90.06 (2), provide or contract for the provision of early intervention services for children with developmental needs in the age group from birth to 3. Qualifying children in each county are entitled to receive needed services. While counties may assess parents of children receiving early intervention services a share of those service costs, counties ultimately are responsible for the costs of providing such services. Since counties' cost exposure for Birth to 3 program costs is unlimited, unanticipated increases in a county's costs may result in a county suspending program services due to a lack

of funding. Even though such cessations are illegal, one county indeed suspended the provision of needed services within the past year. By the time the Department was able to reinstate services in the county, enrolled children were deprived of needed services for several months. Given the negative effect such service cessations could have on children with disabilities, the Department needs to immediately alleviate the cost burden on counties by increasing the share of service costs parents must bear. In doing so, the Department will preserve the continuity of early intervention services.

The Department is also proceeding with the promulgation of the body of rules contained in this order as proposed permanent rules that will remain in effect when this emergency order expires. The full basis for the changes made by these orders is explained below:

Section HFS 90.06 (2) (h) specifies that county administrative agencies must determine the amount of parental liability for the costs of the early intervention services in accordance with ch. HFS 1. Chapter HFS 1 contains the Department's cost liability determination and ability to pay standards and guidelines for services purchased or provided by the Department and counties. Section HFS 90.06 (2) (h) also states that parents may satisfy any liability not met by third party payers if parents pay the amount determined in accordance with the family support payment formula in s. HFS 65.05 (7).

The Department's ability to pay system currently ties the Birth to 3 program to s. HFS 65.05 (7) and ch. HFS 1. Chapter HFS 90's use of these other Department administrative rules has had several undesirable consequences. First, the methodology in s. HFS 65.05 (7), while appropriate for families with children having severe disabilities, is inappropriate for the Birth to 3 program because of the variability in applying the methodology and the significantly greater turnover of families in the Birth to 3 program. This turnover of families makes the chapter's complex calculations relatively onerous on counties to administer.

Sections HFS 90.06 (2) (h) and 90.11 (2) (a) 2. and 4. cross reference and incorporate ch. HFS 1. Section HFS 1.01 (4) (d) allows counties to request an exemption from applying the ability to pay system because the county can document that the imposition of a ch. HFS 1 family cost sharing charge is administratively unfeasible. Twenty–four counties have demonstrated to the Department that their cost of administering the ability to pay system amounts to more than the revenues the counties collect. The relatively high cost of administering the program under the current provisions of ch. HFS 90 combined with relatively low rates of cost–sharing by families permitted by counties' application of s. HFS 65.05 (7), has made the program burdensome on some counties.

Second, federal policies governing Birth to 3 programs require participating states to administer a statewide early intervention system and do not allow a county to bill a family's insurance without the family's consent. Chapter HFS 1, however, requires that a family's insurance benefits be billed; a contradiction of federal law. Third, the current ability of counties to request and obtain exemption from participating in the ability to pay system also is contrary to federal policies requiring states to operate a uniform statewide early intervention system. While federal regulations are currently being revised, none of the regulations circulated by the U.S. Department of Education would have any bearing on the Department of Health and Family Service's promulgation of these administrative rules.

The Department's modifications to ch. HFS 90 have two results. First, since ch. HFS 90 no longer cross–references ch. HFS 1, counties could no longer request exemption from

participating in Wisconsin's Birth to 3 program cost share. County participation in administering the Birth to 3 program cost share becomes mandatory. Second, the method of determining parents' share of the costs of needed services is simplified and standardized statewide and is based on the relationship of families' incomes to the federal poverty threshold.

The rules simplify the determination of parental cost share, thereby eliminating the current ability to pay system's inequities for families statewide and reducing counties' administrative costs associated with the program. The Department's use of the federal poverty threshold, as revised annually, is a benchmark against which families' adjusted incomes are compared to determine the parental cost share liabilities. Under this system, the Department projects that the number of families required to share in the early intervention service costs will roughly double. Since each family's cost share will be based on approximately 1% of their income (as adjusted by a standard deduction for each child with a disability in the family) rather than the previous basis of 3% of income minus a standard deduction and disability-related expenses, the cost share of some families may increase. Families with incomes above 200% of the federal poverty level will be billed for part of the early intervention services their children receive. Families with adjusted incomes below 200% of the federal poverty threshold will be exempt from cost sharing. The Department projects that about 2,000 families will be exempt from cost sharing under the proposed formula and about 3,100 families will have a liability for a cost share.

Under the simplified payment system the Department is setting forth, the Department expects counties' costs to administer the payment system to decline as the number of forms and required calculations should be significantly reduced. The Department projects that the rule changes will increase the revenues generated by counties, in total, due to the fact that more families will have a parental cost share and more counties will be participating in the parental cost share system. However, individual counties having relatively lower per capita incomes may not experience significant revenue increases.

Publication Date: September 26, 2001
Effective Date: October 1, 2001
Expiration Date: February 28, 2002
Hearing Dates: October 16 and 17, 2001

Health & Family Services

(Health, Chs. HFS 110—)

Rules adopted creating **s. HFS 119.07 (6m)**, relating to prescription drug coinsurance coverage.

Exemption from finding of emergency

These are emergency rules creating HFS 119.07 (6m), Wis. Admin. Code to establish for prescription drug coverage a drug benefit separate from the medical benefits for the Health Insurance Risk-Sharing Plan (HIRSP) as authorized by s. 149.14 (5) (e), Stats., as amended by 2001 Wisconsin Act 16, and s. 149.146 (2) (am) 5., Stats., as created by 2001 Wisconsin Act 16. Section 9123 (9w) of the Act authorizes the department to use the emergency rulemaking procedures under s. 227.24, Stats., to promulgate these rules, exempts the department from making a finding of emergency, and from providing evidence that promulgating these rules as an

emergency rule is necessary for the preservation of public peace, health, safety, or welfare.

The HIRSP Board of Governors on September 13, 2001, approved the coinsurance rate and out-of-pocket limits established in these rules, as required by s. 149.14 (5) (e) Stats., as amended by 2001 Wisconsin Act 16 and s. 149.146 (2) (am) 5, Stats., as created by 2001 Wisconsin Act 16.

Analysis Prepared by the Department of Health and Family Services

The State of Wisconsin in 1981 established a Health Insurance Risk-Sharing Plan for the purpose of making health insurance coverage available to medically uninsured residents of the state. HIRSP health insurance coverage includes prescription drug coverage. Currently, two major issues affect HIRSP prescription drug coverage. The first issue is that pharmacies have difficulty determining the financial liability of HIRSP policyholders. The second issue is that the current system of HIRSP reimbursement to policyholders for prescription drug costs is financially burdensome to HIRSP policyholders. To resolve these issues, the department proposes to implement effective January 1, 2002, new coinsurance provisions for HIRSP's drug benefit that will clarify the financial liability of HIRSP policyholders for covered prescription drug costs and eliminate the process of reimbursing policyholders for prescription drug expenses by establishing policyholders' minimum and maximum out-of-pocket costs for covered prescription drugs.

The proposed rules will affect approximately 12,000 HIRSP policyholders statewide.

Publication Date: December 20, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: January 29, 2002

Natural Resources (2)

(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
Extension Through: March 27, 2002

2. Rules adopted revising **ch. NR 20**, relating to sturgeon spearing on the Lake Winnebago system.

Finding of emergency

The department of natural resources finds that an emergency exists and the foregoing rule is necessary for the immediate preservation of the public health, safety or welfare. The facts constituting this emergency are:

Winter spear harvest of sturgeon has continued to exceed the total allowable harvest goals due to an increase in spearing pressure and the current format of the season, which allows continued spearing for 1 day following the announcement of the season closure (when 80% of the total allowable harvest is reached). Harvest on the final day of the 2001 season resulted in a final harvest that exceeded the total allowable harvest by 52%. An emergency order is needed to protect the sturgeon population by preventing continued overharvest of female sturgeon during the 2002 season while permanent rules are being developed. The early closure should reduce spearing effort by 40%, which should decrease the daily harvest and reduce the risk of exceeding the total allowable harvest on the final day of the season.

Publication Date: December 14, 2001
Effective Date: December 14, 2001
Expiration Date: May 13, 2002
Hearing Date: January 14, 2002

Pharmacy Examining Board

Rules adopted revising **chs. Phar 1 and 2**, relating to a pharmacy internship program.

Finding of emergency

2001 Wis. Act 16 creates and amends rules relating to a pharmacy internship program.

Section 3608L of Wis. Act 16, Wis. Stats. s. 450.045, which had previously authorized a Pharmacy Internship Board to implement and oversee the practice of pharmacy in this state by pharmacy interns prior to receiving licensure from the Pharmacy Examining Board.

Section 2154 of Wis. Act 16 mandates that effective December 31, 2001, the repeal of Wis. Stats. s. 450.045 becomes effective. As of December 31, 2001, there will currently be pharmacy interns still serving internships in this state and additional pharmacy students beginning January 1, 2001, who will seek to begin an internship program. However, no standards or oversight will be in place by administrative rule of the Pharmacy Examining Board which is now charged with authority for the pharmacy internship process.

The administrative rule-making process will not allow rules to be in place as of January 1, 2002, without the use of the emergency rule procedure. The emergency rule is needed therefore to effect a transfer of oversight from the extinguished Pharmacy Internship Board to the Pharmacy Examining Board as of January 1, 2001.

Publication Date: December 30, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: February 12, 2002

Public Instruction

Rules adopted revising **ch. PI 35**, relating to the Milwaukee parental choice program.

Finding of emergency

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1, 2001. Wis. Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

Publication Date: January 28, 2002
Effective Date: January 28, 2002
Expiration Date: June 27, 2002

State Treasurer

Rules adopted creating **ch. Treas 1** relating to the Wisconsin College Savings Program Board.

Exemption from finding of emergency

Section 15 (1), 2001 Wis. Act 7 provides an exemption from a finding of emergency for the adoption of ch. Treas 1.

Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06 discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "rollover" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or

disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

Publication Date: January 7, 2002
Effective Date: January 7, 2002
Expiration Date: June 6, 2002
Hearing Date: March 5, 2002
 [See Notice this Register]

Transportation

Rules adopted amending s. **Trans 102.15**, relating to the issuance of driver's licenses and identification cards.

Finding of emergency

This rule is adopted in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. On November 21, 2001, the New York Times reported that to support their terrorism, terrorists finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt terrorists who have applied for or received asylum in the United States and who attempt to obtain Wisconsin identification documents.

Because of the urgency of current government efforts directed at taking steps to interrupt terrorist workings, this order adopting an emergency rule shall take effect as provided below.

Publication Date: December 21, 2001
Effective Date: December 21, 2001
Expiration Date: May 20, 2002
Hearing Date: February 15, 2002

Volunteer Fire Fighter and Emergency Medical Technician Service Award Board

Rules adopted creating **ch. VFF-EMT 1**, relating to the length of service award program.

Exemption from finding of emergency

Section 10 (3) (a), 1999 Wis. Act 105.

Analysis prepared by the Department of Administration:

Statutory authority: ss. 16.004 (1) and 16.25 (2), (3), (4) and (5), Stats.

Statutes interpreted: s. 16.25 *et seq.*, Stats.

Pursuant to section 16.25 (2) through (5), Stats., the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board ("Board") is required to establish by rule a program ("Length of Service Awards Program" or "Program") to provide length of service awards, as described in 26 USC 457 (e) (11), to volunteer firefighters ("VFF") and municipalities that operate volunteer fire departments or contract with volunteer fire companies, and to volunteer emergency medical technicians ("EMT"). To the extent permitted by federal law, the Program is to be designed to treat length of service awards as a tax-deferred benefit under the Internal Revenue Code. The rules are to include design features for the Program, the requirements for and the

qualifications of private sector entities that are eligible to provide administrative services and investment plans under the Program, and an appeal. Significant features of the rule are addressed below:

Section VFF-EMT 1.04 describes eligibility requirements for municipalities wishing to participate in the program, such as adopting a resolution or ordinance authorizing participation, developing standards for determining the service required of the individuals it sponsors in order to qualify for municipal contributions and providing for circumstances where municipalities wish to jointly operate, or contract with, the same volunteer fire department or volunteer fire company.

Section VFF-EMT 1.05 sets forth requirements and procedures for municipal contributions made on behalf of eligible volunteers, and for the state's matching contribution (up to \$250 per eligible individual annually).

Section VFF-EMT 1.06 sets forth the parameters for municipal contributions for prior service rendered before the municipality began participating in the Program. The minimum contribution for prior service is set at \$100, and those contributions may spread over a number of years. A separate accounting is required for these prior service payments.

Section VFF-EMT 1.07 sets forth the Program's vesting requirements and the various permutations possible between full and partial vesting periods and the minimum age requirement (age 60) for payout. Section VFF-EMT 1.07 (1) establishes that 20 years service is required to fully vest and, upon reaching age 60, the award must be paid. (This requirement insures that the benefit maintains its tax deferred status.) Section VFF-EMT 1.07 (2) provides that a fully vested individual age 60 or older may continue to provide service toward a new length of service award under a new account but, for IRS rule purposes, contributions must be paid immediately and cannot accumulate. Section VFF-EMT 1.07 (3) provides for partial vesting after 10 years' service. Should the individual perform more than 10 but less than 20 years' service, upon reaching age 60, he or she will receive only 50% of the net asset value of the benefit account for the first 10 years of service rendered, and an additional 5% for each year thereafter, up to 19 years. Section VFF-EMT 1.07 (7) allows an individual to provide simultaneous service to two or more separate municipalities but, in such cases, only one year of service credit may be earned.

Section VFF-EMT 1.09 details the notice and procedure for when a VFF-EMT ceases performing service for one participating municipality and begins performing service for another municipality, which utilizes a different program administrator or vendor. Such a transfer is allowed, but the account will be frozen and a new one started with the new program administrator. However, any accumulated years of credited service will continue to count toward the vesting requirements. Section VFF-EMT 1.10 allows for benefits to be received both upon disability, or to the beneficiaries upon death of the VFF-EMT.

Section VFF-EMT 1.12 sets forth minimum program administrator qualifications. These include five years of experience providing a length of service award program, adequate marketing and enrollment services capabilities, various accounting and record keeping procedures and abilities, membership in good standing in various organizations customary in the program administrator's or investment manager's industry that provides protection against loss, and overall financial strength.

Section VFF-EMT 1.13 provides for the administration of plans offered by a program administrator under a contract

with the Board, and standard provisions to be included. These include compliance with all pertinent state and federal statutes, rules and regulations, mandatory full disclosure to the Board of all fees and commissions earned directly and indirectly on the operations of the program, audits, and data processing system failure and administrative service interruption contingency plans. Also important are the required annual statements to participating municipalities and the individuals they sponsor, detailing all contributions made and the fees commissions, and charges paid that affect the individual's account.

Section VFF-EMT 1.17 provides for a two-step appeals process in which a VFF-EMT may first protest service credit issues to the participating municipality, which may consult with the program administrator. Any decision of the municipality may be reviewed at the Board's discretion. An individual who has a substantial interest affected by a Board decision may appeal directly in writing to the Board. All Board decisions are final.

Publication Date: September 21, 2001
Effective Date: September 21, 2001
Expiration Date: February 18, 2002
Hearing Date: December 27, 2001

Workforce Development **(Prevailing Wage Rates, Chs. DWD 290-294)**

Rules adopted revising **ch. DWD 290** and creating **ch. DWD 293**, relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Finding of emergency

The Department of Workforce Development finds that an emergency exists and a rule is necessary for the immediate

preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is:

The Department of Workforce Development is acting under its statutory authority to adjust thresholds for the application of prevailing wage laws on state or local public works projects and the application of payment and performance assurance requirements for a public improvement or public work. The thresholds are adjusted in proportion to any change in the construction cost index since the statutes were effective or the last adjustment.

If these new thresholds are not put into effect by emergency rule, the old thresholds will remain effective for approximately six to seven months, until the conclusion of the permanent rule-making process. The thresholds are based on national construction cost statistics and are unlikely to be changed by the permanent rule-making process. The department is proceeding with this emergency rule to adjust the thresholds of the application of the prevailing wage rates to avoid imposing an additional administrative burden on local governments and state agencies caused by an effective decrease of the thresholds due solely to inflation in the construction industry. The department is proceeding with this emergency rule to adjust the thresholds of the application of the payment and performance assurance requirements in s. 779.14, Stats., to avoid imposing an additional administrative burden on contractors for the same reason. Adjusting the thresholds by emergency rule will also ensure that the adjustments are effective on a date certain that is prior to the time of year that the relevant determinations are generally made.

Publication Date: December 27, 2001
Effective Date: January 1, 2002
Expiration Date: May 31, 2002
Hearing Date: February 27, 2002
[See Notice this Register]

Scope statements

Commerce

Subject

Chapter Comm 47 – Petroleum Environmental Cleanup Fund (PECFA).

Objective of the rule. To (1) update the Department’s criteria for awarding grants for cleanup of properties contaminated by petroleum product discharges, to be consistent with several statutory changes that have occurred after corresponding portions of this chapter were either established or revised; (2) consider the effects on the PECFA program from rules promulgated by the Department of Natural Resources under chapter 160 and section 242.11, Stats., and (3) implement improvements to the PECFA administrative and regulatory processes.

Policy analysis

The Department implemented Comm 47 in 1993 as a means of controlling PECFA program costs and establishing necessary administrative and regulatory procedures. The initial rule included monetary caps on site investigation activities, introduced price competition to site remediations, established services that consultants could provide, and delineated eligible and non–eligible costs.

The code update will continue the technical and policy development of the PECFA program. The goals and objectives that formed the basis for the initial rule remain current, and the new rule development effort will concentrate on the same issues of remediation, cost control, and administrative process improvement. In addition, new strategies will be developed for reviving cleanup at sites where past cleanup efforts have stalled. Clarifications will also be developed for making the rule easier to understand and use.

The alternative to rule development is continued operation and administration using the current version of Comm 47. Although the current rule has helped achieve the objectives of the program, advances in remediation technology, experience with current trends in costs, and a need to include new operating procedures in the administrative rule make an update of the code both timely and essential. The only feasible alternative to rule development at this point in time would be a temporary delay in the rulemaking process. This delay would reduce the public benefits that will be achieved through the rule revision.

Statutory authority

Sections 101.02 (1), 101.143, 101.144, 227.10 (1), and 227.11 (2), Stats.

Staff time required

The Department estimates approximately 500 hours will be needed to develop the rule changes. This time includes drafting the changes and processing them through public hearings, legislative review, and adoption. The Department

will assign existing staff to develop the rule changes, and no other additional resources will be needed.

Commerce

Subject

Chapters Comm 81 – 85 and Comm 2, relating to the Wisconsin Uniform Plumbing Code and Fee Code.

Objective of the rule.

a) review and revise the uniform plumbing code with respect to possible effects of the adoption of proposed ch. NR 151, stormwater and infiltration.

b) establish or incorporate the appropriate and most recent national standards for design and installation of plumbing systems and to ensure that new technology will be used or allowed and will function properly.

c) evaluate current policies and practices for approval of plumbing products and systems.

d) address code requirement clarity problems and incorporate any official code interpretations since the last code revision.

e) revise tables and other rule text that no longer reflect accepted rulemaking format and style.

f) add and revise definitions for matters relating to updated technology, clarity, materials and installations, and/or statutory changes.

Policy analysis

a) Existing policies. Current rules relating to stormwater are outdated. The rules do not reflect stormwater detention, retention and treatment options and concerns.

b) New policies. The proposed revisions will allow options for designers and installers to comply with municipal and state stormwater management plans.

c) Policy alternatives. The alternative of not revising the code will result in Commerce rules being outdated and possibly inconsistent with rules of the Department of Natural Resources.

Statutory authority

Section 145.02, Stats. Provides the Department authority over the construction, installation and maintenance of plumbing in connection with all buildings in this state, including buildings owned by the state or any political subdivision thereof, so that plumbing shall be safe, sanitary and to safeguard the public health and the waters of the state.

Section 145.13, Stats. Requires the Department to adopt the state uniform plumbing code. The state plumbing code and amendments to that code as adopted by the department have the effect of law in the form of standards statewide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. The state plumbing code shall comply with ch. 160, Stats. All plumbing installations shall so far as practicable be made to conform with such code.

Section 145.02 (2), Stats. Provides that the department shall have general supervision of all such plumbing and shall after public hearing prescribe, publish and enforce reasonable standards which shall be uniform and of statewide concern so far as practicable. Any employee designated by the department may act for the department in holding such public hearing. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121, Stats.

Staff time required

The following is the estimated time that department staff will be involved in these code change issues. Adequate staffing is available to carry out these functions.

| | |
|---|------------|
| Advisory council meetings and task groups | 120 |
| Code topics research, language drafting | 160 |
| Hearings, responses, revisions, etc. | 40 |
| Legislative review through adoption | 30 |
| Administrative and support | 20 |
| Environmental assessment | <u>120</u> |
| TOTAL | 490 |

Commerce

Subject

Chs. Comm 90 and Comm 2, relating to design and construction of public swimming pools and fees.

Objective of the rule. The objectives of this rule revision, to be incorporated into one or more rule packages, are to:

- a) review two national standards, ANSI/NSPI – 1 and – 9 (relating to swimming pools and aquatic recreation facilities/waterparks) for possible revisions to ch. Comm 90.
- b) re-title ch. Comm 90 to include water attractions (water park features) within this chapter.
- c) create clearly understood codes that reflect contemporary designs and installations, and the application of sound practices relating to health and safety to employees and pool customers.

Policy analysis

a) Existing policies. Commerce conducts plan review for all public swimming pools, whirlpools and water attractions. Water attractions, both indoor and outdoor, have become major tourism attractions in the state; the current rules do not adequately recognize and address the current technology being used in this industry elsewhere in the U.S.

b) New policies. Commerce would update ch. Comm 90 to include rules for water attractions, including water play features.

c) Policy alternatives. The alternative of not revising these codes will result in the continuance of the current situation whereby Commerce administers rules that do not adequately recognize and address the current technology used in this industry elsewhere in the U.S.

Statutory authority

The Department authority for regulating the design and installation of public swimming pools and water attractions is given in s. 145.26, Stats.

The Department authority for regulating amusement rides, which include waterslides, is given in ss. 101.02 (15) (h) to (j) and 101.17, Stats.

Staff time required

Advisory council meetings (6), plus preparation

| | |
|--------------------------------------|----------|
| 4 staff at 6 hrs. each | 185 |
| Code topics research, language | 120 |
| Hearings, responses, revisions, etc. | 65 |
| Administrative and support | 25 |
| Environmental assessment | <u>5</u> |
| TOTAL | 400 |

Insurance

Subject

Regarding Section Ins 25.13, Wis. Adm. Code, relating to Annual Privacy Notice to Customers Requirements.

Objective of the rule. The proposed rule will consider an exception to annual privacy notification requirements for licensees that are warranty plans. The proposed rule will delineate how such an exception may be granted and types of continuing requirements for excepted licensees.

Policy analysis

Currently the rule requires all licensees to provide a clear and conspicuous notice to customers at least one time in a consecutive twelve-month period. The Office intends to consider an exception for warranty plan licensees so that the notice provision is appropriate to the type of insurance provided to consumers.

Statutory authority

Section 601.41 (3), Stats.

Staff time required

It is estimated that 100 hours will be required to develop the rule. No additional resources will be required.

Natural Resources

Subject

Wolf River fishing rafts.

Policy analysis

In recent years, the townships along the Wolf River have taken a more active role in exercising their authority under s. 30.126, Stats., to regulate fishing rafts. They have discovered that some individuals are attempting to avoid floodplain/shoreland zoning restrictions by registering their structure as a fishing raft. Others try to avoid the fishing raft restrictions by registering their structure as a boat. The townships have requested that DNR further clarify these concepts and other fishing raft provisions.

Statutory authority

Section 30.126 (5), Stats.

Staff time required

Approximately 20 hours will be needed by the Department.

Natural Resources

Subject

2002 Zone T Units.

Policy analysis

The Department will present the Natural Resources Board with the Deer Management Units (DMUs) that require a special Zone T hunting season framework to control the deer populations within those units. In addition, the Department will present the Natural Resources Board with public comments gathered from the local deer quota setting meetings where the Zone T DMUs were discussed. The Natural Resources Board will have an opportunity to review the DMUs that have been determined by the formula in s. NR

10.01 (3) (ez) (units which cannot get to within 20% of their established deer population goals with a regular deer season framework) to conduct Zone T hunts at their March 27, 2002 meeting.

Statutory authority

Sections 29.014 and 227.11 (2) (a), Stats.

Staff time required

The Department will need approximately 80 hours.

Natural Resources

Subject

Update of ch. NR 812 regarding private wells.

Policy analysis

The main issues to be resolved with these possible code revisions are as follows:

Codify the minimum construction and pump installation standards for dewatering well projects to allow the Department to reduce the staff time presently spent on writing approvals for these projects.

Provisions to reevaluate the requirements that relate to well construction and reconstruction methods and specifications; and annular-space sealing (grouting) methods and material specifications.

Clarifying the restrictions for the location of wells located in proximity to collector sewers.

Many minor language changes are proposed to clarify specific sections of the rule that relate to the requirements for well location, well construction and pump installations.

Statutory authority

Chapters 280 and 281, Stats.

Staff time required

The Department will need approximately 300 hours for this rule.

Public Defender

Subject

PD 6.02 (1), relating to the repayment of cost of legal representation.

Policy analysis

Section 977.075 requires that the state public defender board establish by rule a program for repayment of the cost of legal representation. Section 977.05 (1) requires that the state public defender board establish by rule fixed amounts as flat payments for the cost of representation that a person may elect to pay. Section PD 6.02 (1) is the original rule that was promulgated as required by s. 977.05 (1). The rule provides a flat payment schedule for persons electing to pay within 30 days of the appointment of counsel.

The state public defender board authorized a pilot project beginning in April 1998 in the 14 counties listed below. This project provided 60 days, instead of 30, to pay the lower prepayment amount as satisfaction of the payment obligation.

| | | | | |
|---------|----------|---------|---------|----------|
| Adams | Florence | Forest | Kenosha | Langlade |
| Lincoln | Marathon | Oneida | Portage | Price |
| Taylor | Vilas | Waupaca | Wood | |

The board authorized the expansion of the project to include Milwaukee in January 2000. Based on 24 months of data, the number of prepayments increased about 2.6% annually in Milwaukee. The 14 counties in the project outside of Milwaukee experienced a 3.3% increase in prepayments.

The proposed rule would amend s. PD 6.02 (1) to provide a 60-day flat payment option for all counties. It is anticipated that such a rule would result in similar increases in payments in the additional counties.

Statutory authority

Section 977.02 (4m), Stats.

Staff time required

20 hours. No other resources are necessary.

Submittal of rules to legislative council clearinghouse

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

Medical Examining Board

Rule Submittal Date

On January 24, 2002, the Medical Examining Board submitted a proposed rule to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Wis. Stats.

The proposed rule-making order relates to defining failing to cooperate in a timely manner with an investigation as unprofessional conduct.

Agency Procedure for Promulgation

A public hearing is required and will be held on March 19, 2002 at 8:30 a.m. in Room 179A, 1400 East Washington Avenue, Madison, Wisconsin, 53702.

Contact Information

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

Workforce Development

Rule Submittal Date

On January 31, 2002, the Department of Workforce Development submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: ss. 66.0903 (5), 103.49 (3g), 227.14 (1s), and 227.11 (2), Stats.

The proposed rules affect ss. DWD 290.15 and DWD 290.155 (1), and ch. DWD 293.

Agency Procedure for Promulgation

A public hearing is required and will be held on February 27, 2002. The organizational unit responsible for the promulgation of the proposed rules is the DWD Equal Rights Division.

Contact Information

Elaine Pridgen
(608) 267-9403
Email: pridgel@dwd.state.wi.us

Workforce Development

Rule Submittal Date

On January 31, 2002, the Department of Workforce Development submitted proposed rules to the Legislative Council Rules Clearinghouse.

Analysis

Statutory Authority: Sections 49.137 (4m), as created by 2001 Wis. Act 16 and 227.11 (2), Stats.

The proposed rules create ch. DWD 59, relating to grants supporting community child care initiatives.

Agency Procedure for Promulgation

A public hearing is required and will be held on February 26, 2002. The organizational unit responsible for the promulgation of the proposed rules is the DWD Division of Workforce Solutions.

Contact Information

Elaine Pridgen
(608) 267-9403
Email: pridgel@dwd.state.wi.us

Rule-making notices

Notice of Hearing

Pharmacy Examining Board [CR 01-154]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Pharmacy Examining Board in ss. 15.08 (5) (b), 227.11 (2), 450.02 (3) (a), (d) and (e), and 961.31, Stats., and interpreting ss. 450.01 (7), (16) (b) and 450.02 (2g), (b), (3) (a), Stats., the Pharmacy Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal s. Phar 8.05 (5); and to amend s. Phar 8.05 (4), relating to requirements for the dispensing of prescription orders for schedule II controlled substances.

Hearing Date, Time and Location

Date: **March 12, 2002**
 Time: 9:15 a.m.
 Location: 1400 East Washington Avenue
 Room 179A
 Madison, Wisconsin

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by March 26, 2002 to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 450.02 (3) (a), (d) and (e), and 961.31, Stats.

Statutes interpreted: ss. 450.01 (7), (16) (b) and 450.02 (2g) (b), (3) (a), Stats.

Current requirements of s. Phar 8.05 (4), for the dispensing of prescription orders for schedule II controlled substances provide in part that a prescription order may not be dispensed unless the order is presented for dispensing within 7 days following the date of its issue, and may not be dispensed more than 60 days after the date of issue. The proposed rule modification would remove the 7 day limitation. A prescription order presented past the 7 day limit currently will not be filled, which necessitates a return to the prescriber for a new prescription. This result occurs even when a legitimate reason exists for the late presentation. The result of the 7 day limit therefore becomes at times an arbitrary cutoff that doesn't allow for a pharmacist and a prescriber to take into account a patient's specific needs in a given situation. The modification of this rule will therefore allow pharmacists and prescribers to exercise their professional judgment in the dispensing of controlled substances.

Current requirements of s. Phar 8.05 (5), for the dispensing of prescription orders provides that no pharmacy, individual practitioner or other DEA registered dispenser may dispense at any one time, and no individual practitioner may prescribe

for dispensing at any one time, a controlled substance in any quantity exceeding a 34-day supply, except that up to a 90 day supply of any schedule III or IV anticonvulsant substance as determined by the directed dosage and frequency of dosage, may be prescribed and dispensed at one time. The proposed rule modification would repeal s. Phar 8.05 (5), to make the dispensing requirements for controlled substances consistent with federal dispensing law. This consistency allows practitioners and pharmacists to better meet legitimate patient need, not inconsistent with federal controlled substances prescription rules. Removing the 34-day and 90 day restriction currently contained in s. Phar 8.05 (5), will better meet legitimate patient need in instances where a proper course of treatment as determined by a practitioner necessitates ongoing drug therapy such that dispensing a greater supply of any controlled substance will promote efficiency and continuity of treatment as well as patient convenience. The repeal of this rule will therefore allow pharmacists and practitioners to more fully exercise their professional judgment in prescribing of controlled substances, consistent with federal dispensing law.

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.

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.

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 (608) 266-0495.

Notice of Hearing

Pharmacy Examining Board [CR 01-155]

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Pharmacy Examining Board in ss. 15.08 (5) (b), 227.11 (2), 450.02 (2) and (3) (e), 450.03 (2) and 450.04 (1), Stats., and interpreting s. 450.02 (2), Stats., the Pharmacy Examining Board will hold a public hearing at the time and place indicated below to consider an order to amend s. Phar 2.06 (2), relating to the definition of "active practice of pharmacy."

Hearing Date, Time and Location

Date: **March 12, 2002**
 Time: 9:15 a.m.

Location: 1400 East Washington Avenue
Room 179A
Madison, Wisconsin

Appearances at the Hearing:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Administrative Rules, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by March 26, 2002 to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 450.02 (2) and (3) (e), 450.03 (2) and 450.04 (1), Stats.

Statutes interpreted: s. 450.02 (2), Stats.

This proposed rule-making order of the Pharmacy Examining Board is intended to more closely identify those out-of-state applicants who have not devoted a sufficient portion of their practice to the consultation of patients which includes the provision of information on legend and non-prescription drugs and advice relating to therapeutic values and potential hazards and the uses of drugs and devices. The proposed modification of the rule defining "active practice of pharmacy" is therefore intended to define more precisely the prerequisite for when a person licensed in another state may be tested to demonstrate the equivalent minimum pharmacy practice skills required for licensure in this state.

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.

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.

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 (608) 266-0495.

Notice of Hearing

Wisconsin Technical College System Board [CR 01-137]

NOTICE IS HEREBY GIVEN that pursuant to ss. 38.305 (4) and 227.11 (2), Stats., and interpreting ss. 38.24 (2) and 38.305, the Wisconsin Technical College System Board will hold a public hearing at the WTCSB Board Room, 310 Price Place in the city of Madison, WI, on the **27th day of February 2002**, at 9:00 a.m., to consider the amendment of rules relating

to residency, admissions, and fee refunds and to Technical and Occupational Program grants to students.

Analysis Prepared by the Technical College System Board

Statutory authority: ss. 38.305 (4) and 227.11 (2), Stats.

Statutes interpreted: ss. 38.24 (2) and 38.305, Stats.

Tuition and fee refunds. The Wisconsin Technical College System (WTCS) refund policies and procedures are promulgated as administrative rules and have remained essentially unchanged since they were established several decades ago. The last modification was made in 1994 to implement a change in federal regulations related to financial aids recipients. However, there has been a movement over the years from traditional semester length classroom based courses to alternate length classroom and distance education based courses. Also, the federal regulations related to financial aid recipients have again been modified prompting a review of the current rules. Based on these factors, a committee comprised of State Board and District staff reviewed the current WTCS refund policies and procedures to determine if they are relevant and appropriate and to recommend modifications the committee deems necessary to address current and future course offerings.

After a review of the current refund policies, the committee determined that, although appropriate, these policies needed updating both to conform to current federal law and to clarify (and consolidate) the method of calculating refunds since the two methods currently being used are intended to result in the same amount of refund.

Grants to Students (TOP Grants). The 2001-2003 biennial budget, (2001 Wis. Act 16), contains two provisions that affect student eligibility for TOP grants. First, beginning July 2001, students who enroll full-time in a technical college occupational program within three years of earning a certificate of general educational development (GED) from the Wisconsin State Superintendent of Public Instruction are now eligible for TOP grants. Second, the eligibility period for the grants has been reduced from two-years to one-year and the total possible grant award has been reduced from \$1,000 to \$500 for all students receiving their first TOP grant in the 2001-2002 or subsequent school year.

Chapter TCS 16, implements s. 38.305, and authorizes the State Board to establish rules to implement and administer grants to students, along with rules on refunding a grant if a student becomes ineligible for the grant award. The proposed rule amendments reflect the statutory changes enacted in 2001 Wis. Act 16.

TEXT OF RULE

Section 1. TCS 10.08 (1) is amended to read:

TCS 10.08 (1) GENERAL PROVISION. In this section, all refund provisions may be superseded by state or federal law.

Section 2. TCS 10.08 (2m) (title) and (2m) is created to read:

TCS 10.08 (2m) COURSE SECTION DROP/ADDS. A student who drops one section of a course and *simultaneously* enrolls in an equivalent section of the same course shall not receive a refund of course fees for the dropped section or be charged course fees for the added section. The student may be charged a processing fee as allowed under sub. (3) (g). For the purpose of this subsection, an equivalent section is one offered for the same credit value, is subject to the same dollar amount of student fees and is at substantially the same point in the course curriculum at the time of the drop/add.

Section 3. TCS 10.08 (3) (b) (intro) is amended to read:

TCS 10.08 (3) (b) A student who drops one or more courses and prior to the issuance of a refund for the dropped course or

courses adds one or more courses shall have the program fees, material fees and tuition for the dropped course or courses applied to the tuition and fee charges of the added course or courses, subject to the following:

Section 4. TCS 10.08 (3) (b) 2. is amended to read:

TCS 10.08 (3) (b) 2. Where the fees for a dropped course or courses exceed applicable fees for an added course or courses, students will receive a refund pursuant to pars. par. (c) and (d).

Section 5. TCS 10.08 (3) (c) is amended to read:

TCS 10.08 (3) (c) Except as provided under pars. (a) and (b), refunds for courses which are scheduled to meet for one semester or longer, shall be:

Section 6. TCS 10.08 (3) (c) 1. is amended to read:

TCS 10.08 (3) (c) 1. 80% of program fees, material fees and out-of-state tuition if application for refund is made during the first 14 calendar days of the term's beginning date before or at the time 10% of the course's total hours of instruction have been completed.

Section 7. TCS 10.08 (3) (c) 2. is amended to read:

TCS 10.08 (3) (c) 2. 60% of program fees, materials fees and out-of-state tuition if application for refund is made during the 15th through 28th calendar day of the term's beginning date after 10% but before more than 20% of the course's potential hours of instruction have been completed.

Section 8. TCS 10.08 (3) (d) is repealed.

Section 9. TCS 10.08 (3) (e) is amended to read:

TCS 10.08 (3) (e) No refund shall be granted if application is made after the 28th calendar day for courses scheduled to meet a semester or longer, or after 20% of the course's total potential hours of instruction have been completed in courses scheduled to meet less than a semester.

Section 10. TCS 10.08 (4) is repealed.

Section 11. TCS 16.02 (3) is repealed and recreated to read:

TCS 16.02 (3) (3) "Date of record" means the day when 10% of the potential hours of instruction of the course have been completed based on when the student is first scheduled to attend the course.

Section 12. TCS 16.02 (9) is amended to read:

TCS 16.02 (9) "First-year student" means any technical college student who has earned, completed, or received no more than 18 postsecondary credits after graduating from high school or receiving a GED certificate as defined in s. TCS 16.02 (9m). Any postsecondary credit earned while serving on active duty in the U.S. armed forces may not be counted against this credit limitation.

Section 13. TCS 16.02 (9m) is created to read:

TCS 16.02 (9m) "GED" means a general educational development certificate issued by the state superintendent of public instruction under s. 115.29 (4).

Section 14. TCS 16.02 (11) is amended to read:

TCS 16.02 (11) (11) "Graduated from high school" means having received a high school diploma ~~in satisfaction of school board requirements~~ under s. 448.33 PI 5.02 (8), or a high school equivalency diploma under s. 115.29 (4), Stats.

Section 15. TCS 16.02 (19) is repealed.

Section 16. TCS 16.03 is amended to read:

TCS 16.03 **Period of initial eligibility.** The eligibility period for an initial TOP grant begins on the date a person graduates from high school or receives a GED and ends on his or her initial eligibility end date.

Section 17. TCS 16.04 (1) is amended to read:

TCS 16.04 (1) The student has graduated from high school or received a GED as verified by the district.

Section 18. TCS 16.05 (3) is amended to read:

TCS 16.05 (3) A grant recipient is eligible to receive up to 2 TOP grants totaling no more than \$500 ~~per school year within a 12-month period from the date of receipt of the first TOP grant.~~ In no case shall a grant recipient be awarded more than 4 TOP grants in total.

Section 19. TCS 16.05 (4) is repealed.

Section 20. TCS 16.06 (intro) is amended to read:

TCS 16.06 **Continuation of TOP grant eligibility.** To receive a TOP grant for a 2nd, 3rd, ~~or 4th~~ semester after receiving an initial grant award, a student shall meet all of the following eligibility requirements on the date of record:

Section 21. TCS 16.07 is repealed and recreated to read:

TCS 16.07 Refunding policy. (1) A student who either fails to attain a 2.0 GPA or who is not enrolled full-time during the semester in which he or she was awarded a TOP grant shall forfeit any remaining eligibility for subsequent TOP grant awards.

(2) A student who has received a TOP grant under s. TCS 16.05 or 16.06 may request an exemption for reasons owing to personal hardship during the semester in which he or she received the grant. The district director or designee shall approve or deny an exemption request before the end of the semester in which the request was made. A student who has received approval for an exemption is not subject to the provisions of sub. (1) for the subsequent semester in which he or she is eligible for a TOP grant, following the approval of the exemption.

(3) A student may apply for one exemption under sub. (2).

(4) The district director or designee shall seek a full refund of all TOP grant monies from any student awarded such funds if the district director or designee finds, after giving written notice and an opportunity to be heard, that the student received a grant as a result of deception, fraud, misinformation, or error in providing his or her registration information for an initial or continued TOP grant award. A student who is found to have received a grant award based upon any of the aforementioned reasons forfeits any remaining eligibility for subsequent TOP grant awards. No student may be required to refund any grant award if the findings result in a determination that the award was due to error not attributable to the student. In such a case, the student is no longer eligible for any remaining TOP grant awards.

Written Comments

The public record on this proposed rule will be held open until the close of business on Thursday, March 7, 2001. Written comments from people unable to attend the public hearing or who want to supplement testimony offered at the hearing may be submitted for inclusion in the summary of public comments submitted to the Legislature. Any such comments should be submitted to the Contact Person listed below. Written comments will be given the same consideration as testimony presented at the hearing. People submitting comments will not receive individual responses.

Initial Regulatory Flexibility Analysis

These proposed rules will have no adverse impact on small businesses.

Fiscal Estimate

A copy of the proposed rules and the full fiscal estimate may be obtained from the Wisconsin Technical College System Board upon request.

Contact Person

Questions concerning these rules may be directed to Morna K. Foy, Policy Analyst, Wisconsin Technical College System Board, 310 Price Place, P.O. Box 7874, Madison, Wisconsin 53707-7874.

It is the policy of the WTCSB to provide accommodations to person with disabilities that may affect their ability to access or participate in WTCSB activities. Persons may request assistance or accommodation for the scheduled public hearing by contacting Ms. Foy at (608) 266-2449, or accessing the TTY line at (608) 267-2483 on or before February 20.

Notice of Hearing

State Treasurer [CR 02-009]

NOTICE IS HEREBY GIVEN that pursuant to section 14.64 (2) (e), Stats., and s. 15, 2001 Wis. Act 7, and interpreting s. 14.64 *et seq.*, Stats., the Office of the State Treasurer, on behalf of the College Savings Program Board, will hold a public hearing on both the Board's emergency rulemaking order and proposed permanent order creating Chapter Treas 1 of the Wis. Adm. Code, relating to the College Savings Program.

Hearing Date, Time and Location

Date: Tuesday, March 5, 2002
Time: 10:00 a.m.
Location: Conference Room
Firststar Building
1 South Pinckney Street, 5th Floor
Madison, WI 53703

The hearing is being held in an accessible facility. Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are also urged to submit facts, opinions and arguments in writing as well. Written comments from persons unable to attend the public hearing, or who wish to supplement testimony offered at the hearing, should be directed to: Marty Olle, Office of the State Treasurer, P.O. Box 7871, Madison, WI 53707-7871. Written comments must be received by March 15, 2002, to be included in the rule-making proceedings.

Proposed order

The Wisconsin College Savings Program Board creates Treas 1 of the Wisconsin Administrative Code.

Analysis prepared by the Office of the State Treasurer

Statutory authority: Section 14.64 (2) (e), Stats., and section 15, 2001 Wis. Act 7.

Statutes interpreted: s. 14.64 *et seq.*, Stats.

The Wisconsin College Savings Program Board establishes a rule for the operation of the College Savings Program. The rule is designed to grant flexibility to program participants wherever possible, while enabling the State and its private-sector partners to administer the program in a manner that protects the program's financial integrity and viability. Maintaining eligibility as a "qualified tuition program" pursuant to section 529 of the Internal Revenue Code [26 USC 529] is another primary objective. "529" programs are eligible for a number of federal tax benefits that are attractive to families saving for future college costs. Significant features of the rule are addressed below:

Sections Treas 1.03, 1.04 and 1.05 describe who may open an account and how to open an account. Section Treas 1.06

discusses designating a successor owner and describes how to change ownership of an account. Sections Treas 1.07 and 1.08 define the account beneficiary and how to change the beneficiary on an account.

Section Treas 1.09 details how to make contributions to an account, including minimum and maximum contribution limits, and how to "roll over" an account balance to another section 529 program. IRS requirements relating to investment direction are also detailed.

Sections Treas 1.11, 1.12 and 1.13 describe account withdrawals, distributions and refunds. Special circumstances are also provided for in these sections, such as the death or disability of the beneficiary or receipt of a scholarship by a beneficiary. Section Treas 1.14 sets forth conditions under which the Board may terminate an owner's account. Sections Treas 1.15 and 1.16 address related fees and penalties.

Text of rule

Treas 1.01 Purpose and Analysis. This rule establishes the procedures, standards and eligibility requirements for investment in accounts under the Wisconsin college savings program, into which a participant may invest funds to be used by individual beneficiaries to pay the cost of attendance at an institution of higher education. The Wisconsin college savings program is established as a qualified tuition program pursuant to section 529 of the internal revenue code [26 USC 529], and is administered by the Office of State Treasurer.

Treas 1.02 Definitions.

In this chapter:

1. "Account" means a formal record of transactions maintained for a particular designated beneficiary to meet qualified higher education expenses under the program.

2. "Account owner" means the person who is entitled to select or change the designated beneficiary of an account, or designate any person other than the designated beneficiary to whom funds may be paid from the account.

3. "Board" means the Wisconsin college savings program board.

4. "Cash" includes checks, money orders, wire transfers, or electronic funds transfers through payroll deduction, automatic contribution plans or similar methods, but does not include currency.

5. "Contribution" means any payment directly allocated to an account for the benefit of a designated beneficiary or that is used to pay late fees or administrative fees associated with the account.

6. "Department" means the Wisconsin department of administration.

7. "Designated beneficiary" has the meaning found in section 529(e)(1) of the internal revenue code.

8. "Eligible Educational Institution" has the meaning found in section 529(e)(5) of the internal revenue code.

9. "Maximum contribution limit" is the sum total market value amount established by the board that may be accumulated in the accounts of a designated beneficiary to meet qualified higher education expenses.

10. "Member of the family" has the meaning found in section 529(e)(2) of the internal revenue code.

11. "Non-qualified distribution" means any distribution that is not a qualified distribution.

12. "Participation agreement" means the contract between an account owner and the board setting forth the terms and conditions under which the account owner participates in the program.

13. "Person" includes an individual, a trust, or a body corporate or politic.

14. "Program" means the qualified tuition program established under s. 14.64, Stats.

15. "Program manager" means the entity under contract with the department to serve as the program administrator, marketing agent and investment manager of the program.

16. "Qualified distribution" means any distribution of funds, as defined in section 529 of the internal revenue code, for qualified higher education expenses from an account pursuant to a distribution notice from the account owner.

17. "Qualified higher education expenses" has the meaning found in section 529(e)(3) of the internal revenue code.

18. "Qualified tuition program" means a savings program to help defray the cost of college expenses under section 529 of the internal revenue code.

19. "Rollover contribution" means the transfer of all or part of an account from one qualified tuition program account to another qualified tuition program account.

Treas 1.03 Account owner eligibility. Any person legally able to contract under applicable state law is eligible to establish an account for the benefit of a designated individual. There shall be only one account owner per account.

Treas 1.04 Opening an account. (1) To open an account, an applicant shall submit a properly completed and signed application, which incorporates the program description and participation agreement, to the program manager. A contribution may be made as provided in Treas 1.09 or by any alternate method established by the board or the program manager.

(2) An applicant must select an available investment option in which all contributions to the account shall be invested. After an account has been opened, the investment option selected may only be changed as permitted under section 529 of the internal revenue code and any regulations issued thereunder.

(3) The participation agreement shall be accompanied by a program description disclosing the program characteristics, including the investment options, investment risks, program fees, and other information as determined by the board and the program manager.

(4) Acceptance by the program manager of application materials, the initial contribution, or selection of contribution method for processing shall not be deemed an agreement to open an account.

(5) The program manager shall accept applications to open accounts and accept subsequent contributions for a designated beneficiary in the order they are received, up to the maximum contribution limit.

Treas 1.05 Refusal to open an account. The program manager or the board may refuse to open an account for the following reasons:

(1) The applicant is not an eligible account owner.

(2) The applicant has not provided all of the information required in the application.

(3) The maximum contribution level for the designated beneficiary will be exceeded.

(4) The execution of a participation agreement violates any federal or state law.

(5) The board determines that the number of accounts in the program should be limited.

Treas 1.06 Change of account ownership. An account owner may designate a successor who shall become the new account owner automatically upon his or her death. This designation may be made at any time by submitting a written designation of the successor to the program manager

containing the information required by the program manager and the board. Designation of a successor shall be effective upon registration in the records of the program manager.

(1) If a change in the ownership of an account is required by a court order directing such change, or by an affidavit or declaration that is recognized under applicable law as requiring transfer of ownership upon death without a court order, such change shall be effective upon receipt by the program manager unless otherwise required by law.

(2) Any other request to transfer ownership to a new account owner must be made by submitting to the program manager a written designation of a new account owner containing the information required by the program manager and the board. Transfer of ownership shall not be effective until registered in the records of the program manager.

Treas 1.07 Designated beneficiary. Any individual regardless of age or relationship to the account owner, including the account owner, may be a designated beneficiary under the program. There shall be only one designated beneficiary per account. Subject to the maximum contribution level, any number of accounts may be opened for a single designated beneficiary.

Treas 1.08 Change of designated beneficiary. (1) Only an account owner may change the designated beneficiary of an account. The designated beneficiary may only be changed to a member of the family of that designated beneficiary.

(2) To change a designated beneficiary, the account owner must submit a written request to the program manager containing all the information required by the program manager and the board.

(3) Upon receipt of the written request, the program manager shall register the information regarding the newly designated beneficiary in the records of the program. The change of the designated beneficiary shall be effective upon registration.

Treas 1.09 Contributions. Any person may make a contribution to an account of a designated beneficiary. Contributions shall be made only in cash.

(1) **MAXIMUM CONTRIBUTION LIMIT.** Contributions to the accounts established for a designated beneficiary shall not, in the aggregate, exceed that amount necessary to provide for the qualified higher education expenses of the designated beneficiary. The board shall establish from time to time the maximum amount that may be contributed in the aggregate to the accounts of an individual designated beneficiary. Contributions in excess of that limit shall not be accepted and shall be returned to the contributor.

(2) **MINIMUM CONTRIBUTION LIMIT.** The minimum amount contributed at the time an account is opened under Treas 1.04, and the minimum amount of any additional contribution to be made to an account shall be established from time to time by the board.

(3) **ROLLOVER CONTRIBUTIONS.** If rollover distributions are allowed by another state's qualified tuition program, an account owner may deposit all or part of the funds from an account in that state's qualified tuition program to a new account in the program as provided under section 529 of the internal revenue code, and any regulations issued thereunder. When making a rollover contribution, the account owner shall complete the forms and make such disclosures of financial information as required by the program manager and the board. If the rollover distribution deposited in the program account would cause the total account balance of all accounts for that designated beneficiary to exceed the maximum contribution limit, the excess funds shall be refused.

(4) **INVESTMENT DIRECTION PROHIBITION.** Except as permitted under section 529 of the internal revenue code and any regulations issued thereunder, no person contributing to an account may direct the investment or investment earnings of any contribution of an account.

Treas 1.10 Separate Accounting. Separate records and accounting shall be maintained for each account established under the program. Reports shall be issued to each account owner at least annually.

Treas 1.11 General Distributions. (1) **CALCULATING EARNINGS ON MULTIPLE ACCOUNTS.** If an individual is a designated beneficiary of more than one account, contributions and earnings with respect to those accounts shall be treated as directed under section 529 of the internal revenue code for purposes of calculating the earnings portions of any distribution with respect to that designated beneficiary.

(2) **DISTRIBUTION REQUESTS.** An account owner may request a distribution of funds by submitting to the program manager at least three business days prior to the date of the requested distribution a completed distribution request form and all other information as may be required by the program manager and the board. Upon receipt, the program manager shall commence processing properly completed distribution request forms as soon as practicable. Distributions shall be subject to any applicable state and federal tax withholdings.

(3) A designated beneficiary shall not authorize distribution or withdrawal of account funds.

(4) **NONQUALIFIED DISTRIBUTION.** A distribution of funds from an account for any use other than qualified higher education expenses for the designated beneficiary constitutes a nonqualified distribution and may be subject to the additional tax imposed by section 529(c)(6) of the internal revenue code.

(5) **QUALIFIED DISTRIBUTION.** A distribution of funds to pay for the qualified higher education expenses of a designated beneficiary constitutes a qualified distribution. An account owner may request a qualified distribution by submitting a properly completed distribution request form, and all documentary evidence necessary to verify the claimed qualified higher education expenses, as determined by the program manager and the board, to the program manager.

Treas 1.12 Distributions Due to Death, Disability or Scholarship of Beneficiary. (1) Prior to a distribution from an account due to the death or disability of the designated beneficiary, or because the beneficiary has received a scholarship to be applied toward attendance at an eligible education institution, the program manager may require either of the following:

(a) Certification by the account owner that the distribution is due to the death or disability of the designated beneficiary or because the designated beneficiary has received a scholarship. The program manager may withhold and reserve as a penalty a portion of the distribution made as a result of such distribution request until the program manager receives written confirmation from an appropriate authority.

(b) Written confirmation from an appropriate authority that the designated beneficiary has died, become disabled, or received a scholarship in the amount of the requested distribution.

(2) A penalty-free distribution due to the death or disability of a beneficiary may be for an amount up to the total account balance for all accounts for that designated beneficiary. A penalty-free distribution due to a scholarship awarded to a designated beneficiary may be for an amount up to the total scholarship award.

Treas 1.13 Refund of qualified distribution payment. An eligible educational institution that owes a full or partial refund of a qualified distribution due to an overpayment of educational expenses shall pay the refund directly to the program manager for credit to the applicable designated beneficiary's account. A refund may not be paid directly to the designated beneficiary or account owner.

Treas 1.14 Account termination. (1) The board shall determine the conditions under which an account may be terminated, including but not limited to the following:

(a) the account balance is below an established minimum.

(b) The account is inactive for an established amount of time.

(c) Any portion of the account remains unused 10 years after the anticipated academic year of the designated beneficiary's initial enrollment in an eligible educational institution.

(d) The account owner or the designated beneficiary provides false or misleading information to the board, the program manager, or an eligible educational institution.

(2) Prior to termination, the program manager shall give reasonable notice to the account owner of the proposed termination. The notice shall provide a reasonable period of time, as determined by the board, in which to prevent termination by either making an additional contribution or a qualified distribution as necessary. Upon termination, the account balance shall be paid to the account owner as a nonqualified distribution, subject to applicable federal or state taxes, and any additional fees as determined by the board.

Treas 1.15 Fees. The board may charge account owners a fee for the administrative expenses of the program. Fees shall be clearly identified in the program description that accompanies the participation agreement.

Treas 1.16 Penalties. The board may impose penalties as necessary to maintain eligibility as a qualified tuition program under section 529 of the internal revenue code.

Treas 1.17 Investment Policies. The board shall establish all investment guidelines for the program.

Initial Regulatory Flexibility Analysis

Pursuant to section 227.114, Stats., the rule herein is not expected to negatively impact small businesses.

Fiscal Estimate

No State Fiscal Effect. The rule establishes procedures for operation of the Wisconsin college savings program. The program has been budgeted based on estimates of participation. The procedures permit the program to proceed and do not change the basis for participation in the program.

Contact Person

Marty Olle
Office of the State Treasurer
1 South Pinckney Street, 5th Floor
P.O. Box 7871
Madison, WI 53707-7871
(608) 264-7886

Notice of Hearing

Workforce Development (Economic Support, Chs. DWD 11 to 59) [CR 02-010]

NOTICE IS HEREBY GIVEN that pursuant to Sections 49.137 (4m) and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the creation of rules relating to grants supporting community child care initiatives.

Hearing Information:

February 26, 2002 GEF 1 Building, Room B103
 Tuesday 201 E. Washington Avenue
 1:30 p.m. MADISON

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.

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. 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. 49.137 (4m), as created by 2001 Wis. Act 16, and 227.11, Stats.

Statute interpreted: s. 49.137 (4m), Stats., as created by 2001 Wis. Act 16

Relevant federal law: 42 USC 618 and 42 USC 9858

In July 2000, the Joint Finance Committee approved expenditure authority for a new program that allows the Department of Workforce Development to utilize monies available from federal child care and development block grant funds to award grants to local governments that can identify and certify the required match. Statutory authority for the program was included in 2001 Wis. Act 16 at s. 49.137 (4m), Stats.

The proposed rules specify the eligibility criteria and procedures for awarding the grants under s. 49.137 (4m), Stats. The department shall periodically publish a request for proposals for community child care initiatives. Any local government or tribe that is located in Wisconsin may submit an application. A single application may be submitted by a local government or tribe that certifies all the match funds required for the requested grant amount. A cooperative application may be submitted by several local governments or tribes that submit a package of otherwise single applications that individually identify match and request separate agreements with the department. A collaborative application may be submitted by one local government or tribe on behalf of two or more local governments or tribes that provide matching funds.

A local government or tribe that applies for funds must certify matching expenditures. The minimum match expenditure required under federal law is the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs. The department may round this percentage of required match to the nearest higher full percentage point. A match expenditure must be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds. A match expenditure may not be used as match to any other state or federal funds, must be made during the required matching period, and must be made for qualifying child care services and programs, including programs with the following purposes:

- Providing low-income families with financial resources to find and access quality child care for their children.

- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

- Providing parents with a broad range of options in addressing their child care needs.

- Improving the quality of and coordination among child care programs and early childhood development programs.

- Increasing the availability of early childhood development care services and before- and after-school care services.

- Educating consumers about child care.

- Improving the health and safety aspects of child care, including regulation of child care.

- Other items permitted under 42 USC 9858 to 9858q.

Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

A local government or tribe may use grant funds received under this chapter in the following ways:

- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

- Providing parents with a broad range of options in addressing their child care needs.

- Improving the quality of and coordination among child care programs and early childhood development programs.

- Increasing the availability of early childhood development care services and before- and after-school care services.

- Educating consumers about child care.

- Improving the health and safety aspects of child care, including regulation of child care.

- Providing crisis respite child care to children in protective services cases or in need of protective services.

A local government or tribe may not use grant funds received under this chapter for purchase of real estate; construction or major remodeling; kindergarten to 12th grade public education or care services provided to students during the regular school day; direct purchase or payment of child care services, unless the child is receiving or is in need of protective services; or public pre-kindergarten services.

A local government that is awarded a grant based on a single application may not spend more than 5% of the grant on administrative costs. The department may allow a local government that is awarded a grant based on a cooperative application to spend up to 10% of the grant on administrative costs. The department may allow a local government or tribe that is awarded a grant based on a collaborative application to spend up to 15% of the grant on administrative costs.

The available grant funds will be allocated for residents of each county of the state based equally on the county's percentage of the state's low-income children and percentage of the state's recent births. The amount of an initial grant will be determined based on the amount requested by the applicant, the amount of match identified by the applicant, the amount of funding allocated to the county or counties proposed for service by the applicant, the amount of funding requested by all applicants proposing to serve residents of the county or counties involved, and the amount of funding available due to reallocation from other counties.

A continuing grant may be offered to a local government or tribe for 2 funding cycles after the initial grant was awarded. A local government or tribe may be eligible for a continuing grant if the local government or tribe is proposing

to continue the same program that was funded by the initial grant and the local government or tribe complied with all requirements associated with the initial grant. If the local government or tribe is eligible for a continuing grant and funding is available, the department shall fund a local government or tribe's request for a continuing grant before initial grants are funded and at a level of 75 percent of the initial grant if matching requirements are met. Additional funds may be provided if the applicant identifies sufficient match and funds are available under initial grant rules. The amount of a continuing grant may be adjusted to reflect the applicant's record of completing previous match or spending agreements under this program and other aspects of the applicant's record of doing business with the department.

Initial Regulatory Flexibility Analysis

The proposed rules do not affect small business as defined in s. 227.14, Stats.

Fiscal Impact

Section 49.137 (4m), Stats., authorizes a program that may increase revenue for local governments that receive a grant. The proposed rules specify procedural information for awarding the grants but have no fiscal effect.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>.

A paper copy may be obtained at no charge by contacting:

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

Written Comments

Written comments on the proposed rules received at the above address and email comments sent to stiefba@dwd.state.wi.us no later than February 28, 2002, will be given the same consideration as testimony presented at the hearing.

Notice of Hearing

Workforce Development

(Prevailing Wage Rates, Chs. DWD 290 – 294)

[CR 02-011]

NOTICE IS HEREBY GIVEN that pursuant to Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11, Stats., the Department of Workforce Development proposes to hold a public hearing to consider the amendment and creation of rules relating to the adjustment of thresholds for application of prevailing wage rates and payment and performance assurance requirements.

Hearing Information:

| | |
|--------------------------|---------------------------|
| February 27, 2002 | GEF 1 Building, Room B103 |
| Wednesday | 201 E. Washington Avenue |
| 1:30 p.m. | MADISON |

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.

Visitors to the GEF 1 building are requested to enter through the left East Washington Avenue door and register with the customer service desk. The entrance is accessible via a ramp from the corner of Webster Street and East Washington Avenue. 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: Sections 66.0903 (5), 103.49 (3g), 779.14 (1s), and 227.11, Stats.

Statutes interpreted: Sections 66.0903 (5), 103.49 (3g), and 779.14, Stats.

Adjustment of thresholds for application of prevailing wage rates. The state prevailing wage laws require that when a state agency or local governmental unit contracts for the construction of a public works project it must obtain a prevailing wage rate determination from the Department of Workforce Development and require that the contractors and subcontractors on the project pay their employees in accordance with those wage rates. Under current law the state prevailing wage rate laws do not apply to any single-trade public works project for which the estimated cost is below \$35,000, and do not apply to any multi-trade public works project for which the estimated cost is below \$172,000.

Pursuant to ss. 66.0903 (5) and 103.49 (3g), Stats., and s. DWD 290.15, the Department is required to adjust the dollar amounts of the thresholds each year in proportion to any change in construction costs since the thresholds were last determined. The threshold adjustment is based on changes in the construction cost index published in the Engineering News-Record, a national construction trade publication. This rule adjusts the thresholds from \$35,000 to \$36,000 for single-trade projects and from \$172,000 to \$175,000 for multi-trade projects based on a 1.7% increase in the construction cost index between December 2000 and December 2001. Section DWD 290.15 is also amended to clarify that the department rounds off the thresholds to the nearest thousand.

Adjustment of thresholds for payment and performance assurance requirements. Section 779.14, Stats., sets payment and performance assurance requirements that apply to contracts for the performance of labor or furnishing of materials for a public improvement project or public work. Section 779.14 (1s), Stats., requires the department to adjust the thresholds for various requirements in proportion to any change in construction costs since the statute was effective or the last adjustment. This is the first adjustment since the statute was effective in June 1998. The thresholds are adjusted to reflect a 8.7% increase in the construction cost index from June 1998 to December 2001. These adjustments are also based on changes in the construction costs index as published in the Engineering News-Record and are rounded to the nearest thousand.

Initial Regulatory Flexibility Analysis

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

Fiscal Impact

Under the rule, a state agency or local governmental unit contracting for the construction of a single-trade public works project that costs more than \$35,000 but less than \$36,000 or a multi-trade project that costs more than

\$172,000 but less than \$175,000 is not covered by the prevailing wage requirement.

Contact Information

The proposed rules are available on the DWD web site at <http://www.dwd.state.wi.us/dwd/hearings.htm>. A paper copy may be obtained at no charge by contacting:

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

Written Comments

Written comments on the proposed rules received at the above address no later than March 1, 2002, will be given the same consideration as testimony presented at the hearing.

Submittal of proposed rules to the legislature

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

Agriculture, Trade and Consumer Protection

(CR 01-114)

Relating to pesticide product restrictions.

Employment Relations

(CR 01-140)

Relating to career executive employment.

Employment Relations – Merit Recruitment and Selection

(CR 01-141)

Relating to career executive employment.

Financial Institutions–Banking

(CR 02-001)

Relating to registration fees under the Wisconsin Consumer Act.

Public Instruction

(CR 01-130)

Relating to the commencement of a school term.

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.

Agriculture, Trade and Consumer Protection (CR 01-142)

An order affecting chs. ATCP 55 and 56, relating to meat and meat food products.
Effective 4-1-02

Financial Institutions-Corporate Consumer Services (CR 01-122)

An order creating chs. DFI-CCS 1 to 7 and to repeal ch. SS 3, relating to general provisions, acceptance and refusal of documents, the information management system, filing and data entry procedures, search requests and reports, other notices of liens under the UCC, and realty-related filings.
Effective 3-1-02

Natural Resources (CR 00-112)

An order creating s. NR 7.088, relating to the recreational boating facilities program.
Effective 4-1-02

Natural Resources (CR 01-037)

An order affecting ch. NR 20 and 25, relating to sport fishing for yellow perch in Green Bay and its major tributaries and to commercial fishing for yellow perch in Green Bay.
Effective 3-1-02

Natural Resources (CR 01-067)

An order affecting ch. NR 809, relating to safe drinking water standards for radionuclides.
Effective 4-1-02

Social Workers, Marriage and Family Therapists and Professional Counselors Examining Board (CR 01-059)

An order affecting ch. SFC 3, relating to course descriptions for students applying for social worker training certificates.
Effective 4-1-02

Social Workers, Marriage and Family Therapists and Professional Counselors Examining Board (CR 01-095)

An order affecting ch. SFC 3, relating to the social worker temporary certificate to conform to a new procedure for computerized examinations.
Effective 4-1-02

Transportation (CR 01-117)

An order affecting ch. Trans 28, relating to the Harbor Assistance Program.
Effective 4-1-02

Public notice

Health and Family Services Medicaid Reimbursement of Hospitals Annual Rate Update

The State of Wisconsin reimburses hospitals for medical services provided to low–income persons under the authority of Title XIX of the Federal Social Security Act and ss. 49.43 to 49.47, Stats. The Wisconsin Department of Health and Family Services administers this program which is called Medicaid or Medical Assistance (MA). Federal statutes and regulations require state plans, one for outpatient services and one for inpatient services, which provide the methods and standards for paying for hospital outpatient and inpatient services including specific payment rates and methodologies.

The Department is proposing to update inpatient hospital payment rates based on current methodologies and to reflect more recent hospital cost reports and/or other information relevant to hospital reimbursement. The final rates will apply to Medicaid payments for hospital discharges in the state fiscal year beginning July 1, 2001. The outpatient hospital annual rate update was previously published.

As required by federal statute and regulations, the proposed payment rates are restricted by the federal Medicare upper limit requirement and target a share of funding to hospitals which serve a disproportionate number of low–income patients.

Inpatient Hospital Services

For each rate year, July 1 through June 30, the Department updates standard factors used in determining the amount of payment hospitals receive for services covered by the Diagnosis Related Group (DRG) based payment method.

DRG Weights. The weights assigned to specific DRGs for groups of hospitals are updated to reflect the current, relative resource consumption of each inpatient stay. Weights are determined by an analysis of past services provided by hospitals, claim charges for those services and the relative cost of those services. For the rate year beginning July 1, 2001, the proposed weights for acute care and psychiatric services are based on a three–year average cost for all discharges between October 1, 1996 and September 30, 1999 and on the most recently completed audited cost report available to the Department as of February 29, 2000.

Weights for Psychiatric Stays

DRG payment weights for psychiatric stays are determined on the basis of the following groupings of hospitals. These groupings are based on analysis of historical claims for psychiatric stays which result in each group being assigned its own set of psychiatric stay DRG weights.

- a. Milwaukee County Mental Health Complex
- b. All other IMD hospitals
- c. General medical–surgical hospitals with Medicare–exempt psychiatric units
- d. Other general medical–surgical hospitals

Psychiatric groups are no longer subdivided between IMDs located in Milwaukee and IMDs not located in Milwaukee.

The weighting factor for a DRG is based on an analysis that relates the average cost of claims under the respective DRG to the average cost of all claims. Weights are established for over 600 DRGs.

Base Rate. The statewide base rates were originally established in 1989 based on the most current Wisconsin Medicaid paid claims data available at that time. The base rates provide consideration for variance between general medical/surgical hospitals and institutions for mental disease (IMD), and hospitals in an HMO mandated county and hospitals in all other counties. The result is a proposed standard DRG rate for each of the following four groups of hospitals.

1. General Medical/Surgical Hospitals in Milwaukee County
2. General Medical/Surgical Hospitals not in Milwaukee County
3. Institutions for Mental Disease (IMD) in Milwaukee County
4. IMDs not in Milwaukee County

The base rates are adjusted annually to reflect legislatively authorized increases. Provisions of 2001 Wisconsin Act 16 (the 2001–03 biennial budget) authorized funding for a \$3 million Disproportionate Share Hospital (DSH) increase in payments for inpatient hospital services in the rate year beginning July 1, 2001. A 3.4 percent administrative adjustment to the base is also included in the proposed rates for acute care hospitals.

Hospital–Specific DRG Rate. A DRG rate is calculated for each specific hospital. The appropriate standard DRG group base rate for each hospital is adjusted by the applicable wage area index for that hospital. For hospitals that qualify, additional adjustments may be made for costs related to graduate medical education, capital expenditures, serving a disproportionate share of low–income patients, and having a rural location. These adjustment factors are described below.

- a) *Wage Area Adjustment Index.* The wage area index is a relative index based on wage data from the Health Care Financing Administration (HCFA) hospital wage survey as of May 15, 1999 and Wisconsin statewide average wage data.
- b) *Direct Medical Education Add–On.* An adjustment for the direct costs of graduate medical education programs of qualifying Wisconsin hospitals.
- c) *Indirect Medical Education.* An adjustment percentage based on the ratio of interns and residents to staffed beds of qualifying Wisconsin hospitals.
- d) *Capital Add–On.* An adjustment based on audited capital costs.

e) *Disproportionate Share Factor.* An adjustment percentage for hospitals serving a disproportionate share of services to low–income patients.

f) *Inpatient Rural Adjustment.* An adjustment percentage for hospitals with a combined Medicare and Medicaid utilization rate equal to or greater than 50 percent.

Border Status Hospitals. Major and minor border status hospitals are reimbursed according to the same DRG based payment method used for in–state hospitals. With the exception of the rural adjustment, indirect medical education adjustment and direct medical education add–on, major border status hospitals receive the same hospital–specific adjustments and add–ons described above for in–state hospitals. The rates for minor border status hospitals include adjustments for wages and capital, but do not consider other hospital–specific costs or characteristics. Minor border status hospitals, may, however, request recognition of other costs or characteristics through the administrative adjustment process described in the Inpatient Hospital State Plan.

Hospitals Paid for Critical Access Hospital Inpatient Services

Critical Access Hospitals. Critical Access Hospitals (CAH) located in Wisconsin will be reimbursed according to a determination of the hospital’s allowable audited costs for Medicaid inpatient services. If allowable costs are determined to exceed the total amount of DRG based payments made to the CAH for discharges of Medicaid recipients during the fiscal year, the Department will reimburse the hospital by the amount by which a CAH costs exceed payments. If payments exceed costs the Department will not recover excess payments from the hospital. However, excess payments may be applied to any amount owed to the hospital under the critical access hospital outpatient services reimbursement provisions. Critical access hospitals are not eligible for a rural hospital adjustment.

Hospitals Paid Under a Per Diem Rate for Inpatient Services

State Mental Health Institutes. State IMDs are reimbursed for hospital service days at an interim rate per diem. The interim rates are established based on the interim rate in the prior rate year adjusted for inflation.

A final reimbursement settlement is calculated based on the hospital’s audited allowable costs for Medicaid inpatient services, including capital and direct medical education costs. If the hospital qualifies a disproportionate share adjustment is also included. The determination of final reimbursement may result in additional payment if allowable costs are above the interim rate per diem or recoupment of funds if allowable costs are less than total interim payments.

Rehabilitation Hospitals. Rehabilitation hospitals are reimbursed for inpatient hospital services at a rate per diem based on a three–year base allowable cost that includes direct medical education and capital costs, and any applicable disproportionate share factor, and indexed by legislatively authorized increases through the current year.

Payment Rates for Services Exempted from DRG Payment System.

Payment for certain services exempt from the DRG system are reimbursed at rates established by applying any general legislatively authorized payment increase in the current fiscal year to the rate in effect for the prior rate year. The following services and rates per diem are effective for the current rate year beginning July 1, 2001:

| Services | Rate Per Diem |
|------------------------------|---------------|
| AIDS Acute Care | \$597 |
| AIDS Extended Care | \$329 |
| Long–Term Ventilator Service | \$465 |
| Brain Injury Care | |
| Neurobehavioral Program Care | \$816 |
| Coma–Recovery Program Care | \$981 |

Proposed Weights and Rates for the 2001–2002 Rate Year

Attachment A: Acute care DRG weights and psychiatric care DRG weights.

Attachment B. Inpatient DRG base rates (including adjustments) for each hospital.

The Wisconsin Medicaid Inpatient and Outpatient Hospital State Plans include a complete description of hospital payment methodology.

Copies of Proposed Changes and Proposed Payment Rates

For more information, interested persons may fax or write to:

Hospitals, Physicians, and Clinics Section
 FAX (608) 266–1096
 Bureau of Fee–for–Service Health Care Benefits
 Division of Health Care Financing
 P. O. Box 309
 Madison, WI 53701–0309

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 a.m. and 4:30 p.m. daily at:

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

ATTACHMENT A
PROPOSED
WISCONSIN MEDICAID PROGRAM INPATIENT HOSPITAL DRG WEIGHTS
EFFECTIVE JULY 1, 2001 – JUNE 30, 2002

----- DRG Grouper Version 18 Is Used -----

For the year July 2001 to June 2002, Wisconsin Medicaid is using the Medicare DRG Grouper Version 18. This timing differs from Medicare which began using Version 18 October 1, 2000 and Version 19, October 1, 2001. As of October 2001, Wisconsin Medicaid has modified has its DRG grouping under Version 18 to accept ICD-9-CM changes that Medicare implemented with Version 19. As a result, hospitals can code Wisconsin Medicaid claims with the same ICD-9-CM codes as used on Medicare claims.

NOTE regarding cochlear implants grouped under DRG 49. Inpatient hospital stays for cochlear implants are paid at a 5.75 weighting factor if requested by the hospital. The hospital must specify in a written request to the Division of Health Care Financing that it wants payment at the 5.75 weight. For more information, call (608) 267-9589 or (608) 267-9698.

| Description of DRG | DRG | Weight |
|--|-----|--------|
| Craniotomy age >17 except for trauma | 1 | 3.4077 |
| Craniotomy for trauma age >17 | 2 | 4.9586 |
| Craniotomy age 0-17 | 3 | 2.1455 |
| Spinal procedures | 4 | 2.8562 |
| Extracranial vascular procedures | 5 | 1.3909 |
| Carpel tunnel release | 6 | 0.8478 |
| Periph & cranial nerve & other nerv syst proc w/cc | 7 | 2.1413 |
| Periph & cranial nerve & other nerv syst proc w/o cc | 8 | 1.4647 |
| Spinal disorders and injuries | 9 | 1.6578 |
| Nervous system neoplasms w/cc | 10 | 1.1606 |
| Nervous system neoplasms w/o cc | 11 | 0.6960 |
| Degenerative nervous system disorders | 12 | 1.0232 |
| Multiple sclerosis and cerebellar ataxia | 13 | 1.0225 |
| Specific cerebrovascular disorders except tia | 14 | 1.7962 |
| Transient ischemic attack and precerebral occlusions | 15 | 0.6863 |
| Nonspecific cerebrovascular disorders w/cc | 16 | 1.6175 |
| Nonspecific cerebrovascular disorders w/o cc | 17 | 1.2123 |
| Cranial and peripheral nerve disorders w/cc | 18 | 0.7606 |
| Cranial and peripheral nerve disorders w/o cc | 19 | 0.5712 |
| Nervous system infection except viral meningitis | 20 | 1.8774 |
| Viral meningitis | 21 | 0.5434 |
| Hypertensive encephalopathy | 22 | 0.9987 |
| Nontraumatic stupor and coma | 23 | 0.6495 |
| Seizure and headache age >17 w/cc | 24 | 0.7435 |
| Seizure and headache age >17 w/o cc | 25 | 0.5087 |
| Seizure and headache age 0-17 | 26 | 0.5810 |
| Traumatic stupor and coma, coma >1 hr | 27 | 2.0530 |
| Traumatic stupor and coma, coma <1 hr age >17 w/cc | 28 | 1.7706 |
| Traumatic stupor and coma, coma <1 hr age >17 w/o cc | 29 | 0.7109 |
| Traumatic stupor and coma, coma <1 hr age 0-17 | 30 | 0.6886 |
| Concussion age >17 w/cc | 31 | 0.8302 |
| Concussion age >17 w/o cc | 32 | 0.5145 |
| Concussion age 0-17 | 33 | 0.2902 |
| Other disorders of nervous system w/cc | 34 | 1.1201 |
| Other disorders of nervous system w/o cc | 35 | 0.6269 |
| Retinal procedures | 36 | 0.8186 |
| Orbital procedures | 37 | 0.6768 |
| Primary iris procedures | 38 | 0.8711 |
| Lens procedures with or without vitrectomy | 39 | 0.6278 |
| Extraocular procedures except orbit age >17 | 40 | 1.5821 |
| Extraocular procedures except orbit age 0-17 | 41 | 1.5577 |
| Intraocular procedures except retina, iris & lens | 42 | 0.6262 |
| HypHEMA | 43 | 0.7866 |
| Acute major eye infections | 44 | 0.6388 |
| Neurological eye disorders | 45 | 0.5875 |
| Other disorders of the eye age >17 w/cc | 46 | 0.7404 |
| Other disorders of the eye age >17 w/o cc | 47 | 0.6539 |
| Other disorders of the eye age 0-17 | 48 | 0.4669 |
| Major head & neck procedures (See note at heading) | 49 | 1.8166 |
| Sialoadenectomy | 50 | 0.7384 |
| Salivary gland procedures except sialoadenectomy | 51 | 0.5223 |
| Cleft lip & palate repair | 52 | 0.6359 |

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|---|-----|---------|
| Sinus & mastoid procedures age >17 | 53 | 1.2633 |
| Sinus & mastoid procedures age 0-17 | 54 | 0.6825 |
| Miscellaneous ear, nose, mouth & throat procs. | 55 | 1.3146 |
| Rhinoplasty | 56 | 0.5774 |
| T&A proc, except tonsil. &/or adenoidectomy only, age >17 | 57 | 0.8075 |
| T&A proc, except tonsil. &/or adenoidectomy only, age 0-17 | 58 | 1.2759 |
| Tonsillectomy &/or adenoidectomy only, age >17 | 59 | 0.4558 |
| Tonsillectomy &/or adenoidectomy only, age 0-17 | 60 | 0.5038 |
| Myringotomy w/tube insertion age >17 | 61 | 1.2857 |
| Myringotomy w/tube insertion age 0-17 | 62 | 0.8281 |
| Other ear, nose, mouth & throat O.R. procedures | 63 | 1.0508 |
| Ear, nose, mouth & throat malignancy | 64 | 0.9717 |
| Dysequilibrium | 65 | 0.4867 |
| Epistaxis | 66 | 0.5477 |
| Epiglottitis | 67 | 0.7445 |
| Otitis media & uri age >17 w/cc | 68 | 0.5761 |
| Otitis media & uri age >17 w/o cc | 69 | 0.4415 |
| Otitis Media & uri age 0-17 | 70 | 0.5121 |
| Laryngotracheitis | 71 | 0.3381 |
| Nasal trauma & deformity | 72 | 0.5553 |
| Other ear, nose, mouth & throat diagnosis age >17 | 73 | 0.5658 |
| Other ear, nose, mouth & throat diagnosis age 0-17 | 74 | 0.6082 |
| Major chest procedures | 75 | 3.5755 |
| Other resp system O.R. procedures w/cc | 76 | 2.5787 |
| Other resp system O.R. procedures w/o cc | 77 | 0.8316 |
| Pulmonary embolism | 78 | 1.1918 |
| Respiratory infections/inflammations age >17 w/cc | 79 | 1.4386 |
| Respiratory infections/inflammations age >17 w/o cc | 80 | 0.8388 |
| Respiratory infections/inflammations age 0-17 | 81 | 1.3171 |
| Respiratory neoplasms | 82 | 1.2380 |
| Major chest trauma w/cc | 83 | 0.9889 |
| Major chest trauma w/o cc | 84 | 0.6651 |
| Pleural effusion w/cc | 85 | 1.1290 |
| Pleural effusion w/o cc | 86 | 0.6814 |
| Pulmonary edema & respiratory failure | 87 | 1.8057 |
| Chronic obstructive pulmonary disease | 88 | 0.7673 |
| Simple pneumonia & pleurisy age >17 w/cc | 89 | 0.9140 |
| Simple pneumonia & pleurisy age >17 w/o cc | 90 | 0.6085 |
| Simple pneumonia & pleurisy age 0-17 | 91 | 0.6034 |
| Interstitial lung disease w/cc | 92 | 0.8099 |
| Interstitial lung disease w/o cc | 93 | 0.8099 |
| Pneumothorax w/cc | 94 | 1.1944 |
| Pneumothorax w/o cc | 95 | 0.5990 |
| Bronchitis & asthma age >17 w/cc | 96 | 0.5818 |
| Bronchitis & asthma age >17 w/o cc | 97 | 0.4555 |
| Bronchitis & asthma age 0-17 | 98 | 0.4136 |
| Respiratory signs & symptoms w/cc | 99 | 0.7489 |
| Respiratory signs & symptoms w/o cc | 100 | 0.5718 |
| Other respiratory system diagnoses w/cc | 101 | 0.9166 |
| Other respiratory system diagnoses w/o cc | 102 | 0.4774 |
| Heart Transplant | 103 | 26.6896 |
| Cardiac valve & other major cardiothoracic proc w/cardiac cath | 104 | 6.6416 |
| Cardiac valve & other major cardiothoracic proc w/o cardiac cath. | 105 | 7.5681 |
| Coronary bypass with PTCA | 106 | 5.4454 |
| Coronary bypass with cardiac catheter | 107 | 4.8987 |
| Other cardiothoracic procedures | 108 | 5.7692 |
| Coronary bypass w/o cardiac catheter | 109 | 3.3968 |
| Major reconstructive vascular proc w/cc | 110 | 4.4736 |
| Major reconstructive vascular proc w/o cc | 111 | 1.8550 |
| Purcutaneous cardiovascular procedures | 112 | 1.5952 |
| Amputation for circ system disorders except upper limb & toe | 113 | 3.1441 |
| Upper limb & toe amputation for circ system disorders | 114 | 1.6096 |
| Perm cardiac pacemaker implant w/AMI, heart failure or shock | 115 | 2.9466 |
| Oth perm cardiac pacemaker implant or PTCA with coronary art sten | 116 | 2.0408 |
| Cardiac pacemaker revision except device replacement | 117 | 1.0212 |
| Cardic pacemaker device replacement | 118 | 1.5342 |
| Vein ligation & stripping | 119 | 1.5548 |
| Other circulatory system O.R. procedure | 120 | 2.1413 |
| Circulatory disorders w/AMI w/C.V. comp disch alive | 121 | 1.5370 |
| Circulatory disorders w/AMI w/o C.V. comp disch alive | 122 | 1.0510 |

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|--|-----|--------|
| Circulatory disorders w/AMI, expired | 123 | 1.4455 |
| Circulatory disorders except AMI, w/card cath & complex diag | 124 | 1.3513 |
| Circulatory disorders except AMI, w/card cath w/o comp. diag | 125 | 0.9924 |
| Acute & subacute endocarditis | 126 | 2.7229 |
| Heart failure & shock | 127 | 0.8869 |
| Deep vein thrombophlebitis | 128 | 0.8616 |
| Cardiac arrest, unexplained | 129 | 1.3568 |
| Peripheral vascular disorders w/cc | 130 | 0.9077 |
| Peripheral vascular disorders w/o cc | 131 | 0.6423 |
| Atherosclerosis w/cc | 132 | 0.6814 |
| Atherosclerosis w/o cc | 133 | 0.5245 |
| Hypertension | 134 | 0.6687 |
| Cardiac congenital & valvular disorders age > 17 w/cc | 135 | 0.9210 |
| Cardiac congenital & valvular disorders age > 17 w/o cc | 136 | 0.5406 |
| Cardiac congenital & valvular disorders age 0-17 | 137 | 2.0212 |
| Cardiac arrhythmia & conduction disorder w/cc | 138 | 0.8736 |
| Cardiac arrhythmia & conduction disorder w/o cc | 139 | 0.4664 |
| Angina pectoris | 140 | 0.5436 |
| Syncope & collapse w/cc | 141 | 0.5582 |
| Syncope & collapse w/o cc | 142 | 0.4954 |
| Chest pain | 143 | 0.5032 |
| Other circulatory system diagnoses w/cc | 144 | 1.2483 |
| Other circulatory system diagnoses w/o cc | 145 | 0.6799 |
| Rectal resection w/cc | 146 | 2.3799 |
| Rectal resection w/o cc | 147 | 1.2923 |
| Major small & large bowel procedures w/cc | 148 | 3.2486 |
| Major small & large bowel procedures w/o cc | 149 | 1.6206 |
| Peritoneal adhesiolysis w/cc | 150 | 2.2902 |
| Peritoneal adhesiolysis w/o cc | 151 | 1.1801 |
| Minor small & large bowel procedures w/cc | 152 | 2.1628 |
| Minor small & large bowel procedures w/o cc | 153 | 1.0625 |
| Stomach, esophageal & duodenal proc age >17 w/cc | 154 | 3.1829 |
| Stomach, esophageal & duodenal proc age >17 w/o cc | 155 | 1.2280 |
| Stomach, esophageal & duodenal proc age 0-17 | 156 | 1.5749 |
| Anal & stomal procedures w/cc | 157 | 0.9858 |
| Anal & stomal procedures w/o cc | 158 | 0.6808 |
| Hernia procedures exc inguinal & fem age >17 w/cc | 159 | 1.1191 |
| Hernia procedures exc inguinal & fem age >17 w/o cc | 160 | 0.7295 |
| Inguinal & femoral hernia procedures age >17 w/cc | 161 | 0.8990 |
| Inguinal & femoral hernia procedures age >17 w/o cc | 162 | 0.7723 |
| Hernia procedures age 0-17 | 163 | 1.2984 |
| Appendectomy w/complicated principal diag w/cc | 164 | 1.9349 |
| Appendectomy w/complicated principal diag w/o cc | 165 | 1.0931 |
| Appendectomy w/o complicated principal diag w/cc | 166 | 1.1133 |
| Appendectomy w/o complicated principal diag w/o cc | 167 | 0.6788 |
| Mouth procedures w/cc | 168 | 1.8110 |
| Mouth procedures w/o cc | 169 | 0.6892 |
| Other digestive system O.R. procedures w/cc | 170 | 2.2499 |
| Other digestive system O.R. procedures w/o cc | 171 | 1.0742 |
| Digestive malignancy w/cc | 172 | 1.4649 |
| Digestive malignancy w/o cc | 173 | 0.5409 |
| G.I. hemorrhage w/cc | 174 | 1.0088 |
| G.I. hemorrhage w/o cc | 175 | 0.4791 |
| Complicated peptic ulcer | 176 | 0.8837 |
| Uncomplicated peptic ulcer w/cc | 177 | 0.7655 |
| Uncomplicated peptic ulcer w/o cc | 178 | 0.5898 |
| Inflammatory bowel disease | 179 | 0.7177 |
| G.I. obstruction w/cc | 180 | 0.8280 |
| G.I. obstruction w/o cc | 181 | 0.5111 |
| Esophagitis, gastroent & misc digest digest age >17 w/cc | 182 | 0.6656 |
| Esophagitis, gastroent & misc digest digest age >17 w/o cc | 183 | 0.4955 |
| Esophagitis, gastroent & misc digest digest age 0-17 | 184 | 0.5531 |
| Dental & oral dis except extractions & rest. age >17 | 185 | 0.7829 |
| Dental & oral dis except extractions & rest. age 0-17 | 186 | 0.5160 |
| Dental extractions & restorations | 187 | 1.0445 |
| Other digestive system diagnoses age >17 w/cc | 188 | 0.9632 |
| Other digestive system diagnoses age >17 w/o cc | 189 | 0.6284 |
| Other digestive system diagnoses age 0-17 | 190 | 0.8357 |
| Pancreas, liver & shunt procedures w/cc | 191 | 3.4375 |
| Pancreas, liver & shunt procedures w/o cc | 192 | 1.4775 |

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|---|-----|--------|
| Biliary tract proc except only cholecyst w or w/o CDE w/cc | 193 | 3.1504 |
| Biliary tract proc except only cholecyst w or w/o CDE w/o cc | 194 | 3.0931 |
| Total cholecystectomy w/CDE w/cc | 195 | 2.5499 |
| Total cholecystectomy w/CDE w/o cc | 196 | 1.5689 |
| Total cholecystectomy w/o CDE w/cc | 197 | 2.0852 |
| Total cholecystectomy w/o CDE w/o cc | 198 | 1.0921 |
| Hepatobiliary diagnostic procedure for malignancy | 199 | 2.2861 |
| Hepatobiliary diagnostic procedure for nonmalignancy | 200 | 4.3502 |
| Other hepatobiliary or pancreas O.R. procedures | 201 | 3.2916 |
| Cirrhosis & alcoholic hepatitis | 202 | 1.3476 |
| Malignancy of hepatobiliary system or pancreas | 203 | 1.0915 |
| Disorders of pancreas except malignancy | 204 | 0.9031 |
| Disorders of liver except malig, cirr, alc, hepa w/cc | 205 | 1.0247 |
| Disorders of liver except malig, cirr, alc, hepa w/o cc | 206 | 0.6363 |
| Disorders of the biliary tract w/cc | 207 | 0.9074 |
| Disorders of the biliary tract w/o cc | 208 | 0.5324 |
| Major joint & limb reattachment procedures | 209 | 1.8759 |
| Hip & femur procedures except major joint age >17 w/cc | 210 | 1.8755 |
| Hip & femur procedures except major joint age >17 w/o cc | 211 | 1.2735 |
| Hip & femur procedures except major joint age 0-17 | 212 | 1.1697 |
| Amputation for musculoskeletal system & conn tissue disorder | 213 | 1.4829 |
| Biopsies of musculoskeletal system & conn tissue | 216 | 1.7962 |
| Wnd debrid & skn grft except hand, for muscskelet & conn tis | 217 | 2.9027 |
| Lower extrem/humer proc except hip, foot age >17 w/cc | 218 | 1.6326 |
| Lower extrem/humer proc except hip, foot age >17 w/o cc | 219 | 0.9305 |
| Lower extrem/humer proc except hip, foot age 0-17 | 220 | 0.8260 |
| Major shoulder/elbow proc or other upper extremity proc w/cc | 223 | 0.7523 |
| Shoulder, elbow or forearm proc, exc major joint proc w/o cc | 224 | 0.6847 |
| Foot procedures | 225 | 1.0420 |
| Soft tissue procedures w/cc | 226 | 1.4131 |
| Soft tissue procedures w/o cc | 227 | 0.6334 |
| Major thumb or joint proc, or oth hand/wrist w/cc | 228 | 0.9218 |
| Hand or wrist proc, except major joint w/o cc | 229 | 0.7853 |
| Local excision & removal of int fix dev hip & femur | 230 | 0.8342 |
| Local excision & removal of int fix dev exc hip & femur | 231 | 1.0211 |
| Arthroscopy | 232 | 0.9478 |
| Other musculoskelet sys & conn tiss O.R. w/cc | 233 | 1.6894 |
| Other musculoskelet sys & conn tiss O.R. w/o cc | 234 | 1.1621 |
| Fractures of femur | 235 | 1.0329 |
| Fractures of hip & pelvis | 236 | 1.1218 |
| Sprains, strains, & dislocations of hip | 237 | 0.6520 |
| Osteomyelitis | 238 | 1.5167 |
| Pathological fractures & musculoskeletal & conn tiss malig. | 239 | 1.0203 |
| Connective tissue disorders w/cc | 240 | 1.4879 |
| Connective tissue disorders w/o cc | 241 | 0.6628 |
| Septic arthritis | 242 | 0.9691 |
| Medical back problems | 243 | 0.6663 |
| Bone diseases & specific arthropathies w/cc | 244 | 0.8676 |
| Bone diseases & specific arthropathies w/o cc | 245 | 0.5113 |
| Non-specific arthropathies | 246 | 0.4154 |
| Signs & symptoms of musculoskeletal system & conn tissue | 247 | 0.4867 |
| Tendonitis, myositis & bursitis | 248 | 0.7840 |
| Aftercare, musculoskeletal system & connective tissue | 249 | 0.5780 |
| Fx, sprn, strn & disl of forearm, hand, age >17 w/cc | 250 | 0.6614 |
| Fx, sprn, strn & disl of forearm, hand, age >17 w/o cc | 251 | 0.4197 |
| Fx, sprn, strn & disl of forearm, hand, age 0-17 | 252 | 0.3957 |
| Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 w/cc | 253 | 0.6655 |
| Fx, sprn, strn & disl of uparm, lowleg ex foot age >17 w/o cc | 254 | 0.4828 |
| Fx, sprn, strn & disl of uparm, lowleg ex foot age 0-17 | 255 | 0.3783 |
| Other musculoskeletal system & connective tissue | 256 | 0.7369 |
| Total mastectomy for malignancy w/cc | 257 | 0.8963 |
| Total mastectomy for malignancy w/o cc | 258 | 0.7961 |
| Subtotal mastectomy for malignancy w/cc | 259 | 1.0885 |
| Subtotal mastectomy for malignancy w/o cc | 260 | 0.7899 |
| Breast proc for non-malignancy except biopsy | 261 | 0.8225 |
| Breast graft & local excision for non-malignancy | 262 | 1.2325 |
| Skin graft &/or debrid for skn ulcer or cell w/cc | 263 | 2.5994 |
| Skin graft &/or debrid for skn ulcer or cell w/o cc | 264 | 1.0889 |
| Skin graft &/or debrid except for skin ulc w/cc | 265 | 2.4134 |
| Skin graft &/or debrid except for skin ulc w/o cc | 266 | 1.1988 |

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| Perianal & pilonidal procedures | 267 | 0.6962 |
| Skin, subcutaneous tissue & breast plastic procedures | 268 | 1.7619 |
| Other skin, subcut tiss & breast proc w/cc | 269 | 1.3058 |
| Other skin, subcut tiss & breast proc w/o cc | 270 | 0.7629 |
| Skin ulcers | 271 | 1.4479 |
| Major skin disorders w/cc | 272 | 1.0969 |
| Major skin disorders w/o cc | 273 | 0.7270 |
| Malignant breast disorders w/cc | 274 | 1.5278 |
| Malignant breast disorders w/o cc | 275 | 0.5043 |
| Non-malignant breast disorders | 276 | 0.6041 |
| Cellulitis age >17 w/cc | 277 | 0.8697 |
| Cellulitis age >17 w/o cc | 278 | 0.5483 |
| Cellulitis age 0-17 | 279 | 0.4653 |
| Trauma to the skin, subcut tiss/breast age >17 w/cc | 280 | 0.5634 |
| Trauma to the skin, subcut tiss/breast age >17 w/o cc | 281 | 0.4042 |
| Trauma to the skin, subcut tiss/breast age 0-17 | 282 | 0.3855 |
| Minor skin disorders w/cc | 283 | 0.5847 |
| Minor skin disorders w/o cc | 284 | 0.4949 |
| Amputat of lower limb for endocrine, nutrit, or metab disord | 285 | 2.0864 |
| Adrenal & pituitary procedures | 286 | 2.6705 |
| Skin grafts & wound debrid for endoc, nutrit, metab disorder | 287 | 1.5187 |
| O.R. procedures for obesity | 288 | 1.3541 |
| Parathyroid procedures | 289 | 0.8394 |
| Thyroid procedures | 290 | 0.8415 |
| Thyroglossal procedures | 291 | 0.8537 |
| Other endocrine, nutrit & metab O.R. proc w/cc | 292 | 2.5316 |
| Other endocrine, nutrit & metab O.R. proc w/o cc | 293 | 2.3357 |
| Diabetes age >35 | 294 | 0.7742 |
| Diabetes age 0-35 | 295 | 0.5444 |
| Nutritional & misc metabolic disorders age >17 w/cc | 296 | 0.8154 |
| Nutritional & misc metabolic disorders age >17 w/o cc | 297 | 0.5041 |
| Nutritional & misc metabolic disorders age 0-17 | 298 | 0.5501 |
| Inborn errors of metabolism | 299 | 1.3613 |
| Endocrine disorders w/cc | 300 | 0.9791 |
| Endocrine disorders w/o cc | 301 | 0.4492 |
| Kidney transplant | 302 | 4.5328 |
| Kidney,ureter & major bladder proc for neoplasm | 303 | 2.7844 |
| Kidney,ureter & major bladder proc nonneo w/cc | 304 | 2.1522 |
| Kidney,ureter & major bladder proc nonneo w/o cc | 305 | 1.0125 |
| Prostatectomy w/ cc | 306 | 2.1876 |
| Prostatectomy w/o cc | 307 | 0.9156 |
| Minor bladder procedures w/cc | 308 | 1.3948 |
| Minor bladder procedures w/o cc | 309 | 0.7583 |
| Transurethral procedures w/cc | 310 | 0.9260 |
| Transurethral procedures w/o cc | 311 | 0.6246 |
| Urethral procedures, age >17 w/cc | 312 | 1.3987 |
| Urethral procedures, age >17 w/o cc | 313 | 0.6462 |
| Urethral procedures, age 0-17 | 314 | 1.5919 |
| Other kidney & urinary tract O.R. procedures | 315 | 1.7155 |
| Renal failure | 316 | 1.1148 |
| Admit for renal dialysis | 317 | 0.4578 |
| Kidney & urinary tract neoplasms w/cc | 318 | 1.0165 |
| Kidney & urinry tract neoplasms w/o cc | 319 | 0.7502 |
| Kidney & urinary tract infections age >17 w/cc | 320 | 0.6894 |
| Kidney & urinary tract infections age >17 w/o cc | 321 | 0.4597 |
| Kidney & urinary tract infections age 0-17 | 322 | 0.4759 |
| Urinary stones w/cc, &/or esw lithotripsy | 323 | 0.6259 |
| Urinary stones w/o cc | 324 | 0.4042 |
| Kidney & urinary tract signs & symptoms age >17 w/cc | 325 | 0.4845 |
| Kidney & urinary tract signs & symptoms age >17 w/o cc | 326 | 0.4301 |
| Kidney & urinary tract signs & symptoms age 0-17 | 327 | 0.3394 |
| Urethral stricture age >17 w/cc | 328 | 0.6827 |
| Urethral stricture age >17 w/o cc | 329 | 0.5309 |
| Urethral stricture age 0-17 | 330 | 0.5489 |
| Other kidney & urinary tract diagnoses age >17 w/cc | 331 | 0.9216 |
| Other kidney & urinary tract diagnoses age >17 w/o cc | 332 | 0.5224 |
| Other kidney & urinary tract diagnoses age 0-17 | 333 | 0.8528 |
| Major male pelvic procedures w/cc | 334 | 1.2990 |
| Major male pelvic procedures w/o cc | 335 | 1.0163 |
| Transurethral prostatectomy w/cc | 336 | 0.9574 |

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| Transurethral prostatectomy w/o cc | 337 | 0.4984 |
| Testes procedures, for malignancy | 338 | 2.1979 |
| Testes procedures, non-malignancy age >17 | 339 | 1.1909 |
| Testes procedures, non-malignancy age 0-17 | 340 | 0.4802 |
| Penis procedures | 341 | 0.7790 |
| Circumcision age >17 | 342 | 0.7740 |
| Circumcision age 0-17 | 343 | 0.1490 |
| Other male reproductive system O.R. proc malignancy | 344 | 1.9050 |
| Other male reproductive system O.R. proc exc malignancy | 345 | 1.2703 |
| Malignancy, male reproductive system, w/cc | 346 | 2.0642 |
| Malignancy, male reproductive system w/o cc | 347 | 0.5214 |
| Benign prostatic hypertrophy w/cc | 348 | 0.7007 |
| Benign prostatic hypertrophy w/o cc | 349 | 0.4524 |
| Inflammation of the male reproductive system | 350 | 0.5011 |
| Sterilization, male | 351 | 0.3772 |
| Other male reproductive system diagnoses | 352 | 1.3390 |
| Pelvic evisceration, radical hysterectomy | 353 | 1.6632 |
| Uterine,adnexa proc for non-ovarian/adn w/cc | 354 | 1.5455 |
| Uterine,adnexa proc for non-ovarian/adn w/o cc | 355 | 0.7025 |
| Female reproductive system reconstructive proc | 356 | 0.6387 |
| Uterine & adnexa proc for ovarian or ad | 357 | 2.0812 |
| Uterine & adnexa proc for non-malignanc w/cc | 358 | 0.9942 |
| Uterine & adnexa proc for non-malignanc w/o cc | 359 | 0.7717 |
| Vagina, cervix & vulva procedures | 360 | 0.6328 |
| Laparoscopy & incisional tubal interruption | 361 | 0.7715 |
| Endoscopic tubal interruption | 362 | 0.5952 |
| D&C, conization & radio-implant, for malignancy | 363 | 0.9501 |
| D&C, conization except for malignancy | 364 | 0.8207 |
| Other female reproductive system O.R. procedures | 365 | 1.3508 |
| Malignancy, female reproductive system w/cc | 366 | 0.7947 |
| Malignancy, female reproductive system w/o cc | 367 | 0.4822 |
| Infections, female reproductive system | 368 | 0.4901 |
| Menstrual & other female reproductive system | 369 | 0.4683 |
| Cesarean section w/cc | 370 | 1.0165 |
| Cesarean section w/o cc | 371 | 0.8138 |
| Vaginal delivery w/complicating diagnoses | 372 | 0.5972 |
| Vaginal delivery w/o complicating diagnoses | 373 | 0.4337 |
| Vaginal delivery w/sterilization &/or D&C | 374 | 0.7509 |
| Vaginal delivery w/O.R. proc except sterial D&C | 375 | 1.0444 |
| Postpartum & post abortion diagnoses w/o O.R. procedure | 376 | 0.4791 |
| Postpartum & post abortion diagnoses w/O.R. procedure | 377 | 0.9947 |
| Ectopic pregnancy | 378 | 0.7504 |
| Threatened abortion | 379 | 0.6333 |
| Abortion w/o D&C | 380 | 0.3491 |
| Abortion w/D&C, aspiration curettage or hystorectomy | 381 | 0.6092 |
| False labor | 382 | 0.3575 |
| Other antepartum diagnoses w/medical complications | 383 | 0.5227 |
| Other antepartum diagnoses w/o medical complications | 384 | 0.4998 |
| Splenectomy age >17 | 392 | 2.6258 |
| Splenectomy age 0-17 | 393 | 1.2027 |
| Other O.R. procedures of the blood and organs | 394 | 1.7582 |
| Red blood cell disorders age >17 | 395 | 0.6369 |
| Red blood cell disorders age 0-17 | 396 | 0.7586 |
| Coagulation disorders | 397 | 1.3271 |
| Reticuloendothelial & immunity disorder w/cc | 398 | 1.4179 |
| Reticuloendothelial & immunity disorder w/o cc | 399 | 0.5035 |
| Lymphoma & leukemia w/major O.R. procedure | 400 | 2.5202 |
| Lymphoma & non-acute leukemia w/other w/cc | 401 | 2.6982 |
| Lymphoma & non-acute leukemia w/other w/o cc | 402 | 1.3352 |
| Lymphoma & non-acute leukemia w/cc | 403 | 2.0407 |
| Lymphoma & non-acute leukemia w/o cc | 404 | 0.7832 |
| Acute leukemia w/o major O.R. procedure | 405 | 3.5715 |
| Myeloprolif disord or poorly diff neopl w/cc | 406 | 2.4288 |
| Myeloprolif disord or poorly diff neopl w/o cc | 407 | 1.3412 |
| Myeloprolif disord or poorly diff neopl w/other O.R. proc | 408 | 2.6709 |
| Radiotherapy | 409 | 0.5504 |
| Chemotherapy | 410 | 0.7436 |
| History of malignancy w/o endoscopy | 411 | 0.7829 |
| History of malignancy w/endoscopy | 412 | 0.5301 |
| Other myeloprolif dis or poorly diff neopl diag w/cc | 413 | 1.5482 |

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| Other myeloprolif dis or poorly diff neople diag w/o cc | 414 | 0.5749 |
| O.R. procedure for infectious & parasitic disease | 415 | 3.4231 |
| Septicemia age >17 | 416 | 1.3465 |
| Septicemia age 0-17 | 417 | 1.3871 |
| Postoperative & post-traumatic infections | 418 | 0.8072 |
| Fever of unknown origin age >17 w/cc | 419 | 1.0334 |
| Fever of unknown origin age >17 w/o cc | 420 | 0.6397 |
| Viral illness age >17 | 421 | 0.5114 |
| Viral illness & fever of unknown origin | 422 | 0.4529 |
| Other infectious & parasitic diseases diagnoses | 423 | 2.1485 |
| Alcohol/drug abuse or dependence, left AMA | 433 | 0.4280 |
| Alc/drug abuse or depend, detox or oth sympt treat w/cc | 434 | 0.6162 |
| Alc/drug abuse or depend, detox or oth sympt treat w/o cc | 435 | 0.4469 |
| Alc/drug dependence w/rehabilitation therapy | 436 | 1.4334 |
| Alc/drug dependence, combined rehab & detox therapy | 437 | 0.8769 |
| Skin grafts for injuries | 439 | 1.5934 |
| Wound debridements for injuries | 440 | 1.4537 |
| Hand procedures for injuries | 441 | 1.0203 |
| Other O.R. procedures for injuries w/cc | 442 | 1.9396 |
| Other O.R. procedures for injuries w/o cc | 443 | 0.7947 |
| Multiple trauma age >17 w/cc | 444 | 0.6886 |
| Multiple trauma age >17 w/o cc | 445 | 0.5800 |
| Multiple trauma age 0-17 | 446 | 0.4677 |
| Allergic reactions age >17 | 447 | 0.3914 |
| Allergic reactions age 0-17 | 448 | 0.2476 |
| Poisoning & toxic effects of drugs age >17 w/cc | 449 | 0.7695 |
| Poisoning & toxic effects of drugs age >17 w/o cc | 450 | 0.5019 |
| Poisoning & toxic effects of drugs age 0-17 | 451 | 0.5137 |
| Complications of treatment w/cc | 452 | 0.8909 |
| Complications of treatment w/o cc | 453 | 0.5154 |
| Other injury, poisoning & toxic effect w/cc | 454 | 1.2850 |
| Other injury, poisoning & toxic effect w/o cc | 455 | 0.5871 |
| O.R. proc w/diagnoses of other contact w/health services | 461 | 1.6177 |
| Rehabilitation | 462 | 3.1686 |
| Signs & symptoms w/cc | 463 | 0.6242 |
| Signs & symptoms w/o cc | 464 | 0.4352 |
| Aftercare w/history of malignancy as second diagnosis | 465 | 0.2567 |
| Aftercare w/o history of malignancy as second diagnosis | 466 | 1.2175 |
| Other factors influencing health status | 467 | 0.6322 |
| Extensive O.R. procedure unrelated to principal diagnosis | 468 | 2.8620 |
| Bilateral or multiple major joint procs of lower extremity | 471 | 3.0724 |
| Acute leukemia w/o major O.R. procedure age >17 | 473 | 5.4459 |
| Respiratory system diagnosis w/ventilator support | 475 | 4.1483 |
| Prostatic O.R. procedure unrelated to principal diagnosis | 476 | 2.2449 |
| Non-extensive O.R. procedure unrelated to prin diagnosis | 477 | 1.7031 |
| Other vascular procedures w/cc | 478 | 2.2137 |
| Other vascular procedures w/o cc | 479 | 1.6658 |
| Liver Transplant | 480 | 8.4796 |
| Bone Marrow Transplant | 481 | 13.1097 |
| Tracheostomy for face, mouth & neck diagnoses | 482 | 3.6102 |
| Tracheostomy except for face, mouth & neck diagnoses | 483 | 13.5419 |
| Craniotomy for multiple significant trauma | 484 | 8.3395 |
| Limb reattachment, hip and femur proc for mult. sig. trauma | 485 | 3.9866 |
| Other O.R. procedures for multiple significant trauma | 486 | 5.4134 |
| Other multiple significant trauma | 487 | 2.2973 |
| HIV w/extensive O.R. procedure | 488 | 2.7945 |
| HIV w/major related condition | 489 | 1.5278 |
| HIV w/ or w/o other related condition | 490 | 0.8156 |
| Major joint & limb reattachment procs of upper extremity | 491 | 1.4051 |
| Chemotherapy w/acute leukemia | 492 | 1.2406 |
| Laparoscopic cholecystectomy w/cc | 493 | 1.3975 |
| Laparoscopic cholecystectomy w/o cc | 494 | 0.9379 |
| Lung Transplant | 495 | 30.6689 |
| Combined Anterior/Posterior Spinal Fusion. | 496 | 3.4928 |
| Spinal Fusion w/cc (Eff 7/98, replaces 214-215). | 497 | 2.7000 |
| Spinal Fusion w/o cc (Eff 7/98, replaces 214-215). | 498 | 1.4940 |
| Back & neck procs except spinal fusion w/ cc. | 499 | 1.1991 |
| Back & neck procs except spinal fusion w/o cc. | 500 | 0.7895 |
| Knee proc w PDX of infection w/ cc. | 501 | 1.6465 |
| Knee proc w PDX of infection w/o cc. | 502 | 1.6465 |

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| Knee procedures w/o PDX of infection. | 503 | 0.9743 |
| Extensive 3rd degree burn with skin graft. | 504 | 17.0864 |
| Extensive 3rd degree burn without skin graft. | 505 | 5.0463 |
| Full thickness burn with skin graft or inhal injury with CC or sig trauma | 506 | 9.5467 |
| Full thickness burn with skin graft or inhal injury w/o CC or sig trauma | 507 | 3.2850 |
| Full thickness burn w/o skin graft or inhal injury with CC or sig trauma | 508 | 1.5418 |
| Full thickness burn w/o skin graft or inhal injury w/o CC or sig trauma | 509 | 1.0147 |
| Nonextensive burns with CC or significant trauma. | 510 | 1.6614 |
| Nonextensive burns without CC or significant trauma. | 511 | 1.0559 |

DRG groupings for Wisconsin Medicaid for Newborns & Other Neonates with Conditions Originating in Perinatal Period

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| Died w/in one day, same hosp | 601 | 0.1666 |
| Died w/in one day, recv hosp | 602 | 0.6032 |
| Transferred w/in 4 days | 604 | 0.2453 |
| Less than 750 grams – discharged dead | 610 | 6.4138 |
| Less than 750 grams – discharged alive | 614 | 17.9136 |
| Less than 1000 grams – discharged dead | 620 | 7.2985 |
| Less than 1000 grams – discharged alive | 624 | 13.8971 |
| Less than 1500 grams – discharged dead | 637 | 5.2500 |
| Less than 1500 grams – O.R. performed | 638 | 12.7784 |
| Less than 1500 grams – no O.R. performed | 639 | 7.4036 |
| Less than 2000 grams – O.R. excl circumcision | 648 | 7.3321 |
| Less than 2000 grams – no O.R. performed | 649 | 2.6899 |
| Less than 2500 grams – O.R. performed | 650 | 8.8796 |
| Less than 2500 grams – no O.R.– major dx prob | 656 | 1.6674 |
| Less than 2500 grams – no O.R.– minor dx prob | 657 | 0.5172 |
| Less than 2500 grams – no O.R.– no dx prob | 670 | 2.1160 |
| 2500 and greater grams – no O.R.– major dx prob | 676 | 0.8128 |
| 2500 and greater grams – no O.R.– minor dx prob | 677 | 0.2325 |
| 2500 and greater grams – no O.R.– no dx prob | 678 | 0.1486 |
| 2500 and greater grams – O.R. performed | 680 | 4.3051 |

DRG groupings for Wisconsin Medicaid for MENTAL DISEASE AND DISORDER

Milwaukee County Mental Health Center (MCMHC)

| | | |
|--|-----|--------|
| 17 & younger All OR Procedures | 701 | 4.5739 |
| Over 17 --- All OR Procedures | 702 | 4.5845 |
| 17 & younger --- Adjust. Reaction or Dysf. | 703 | 2.8821 |
| Over 17 --- Adjust. Reaction or Dysf. | 704 | 1.2524 |
| 17 & younger --- Depressive Neurosis | 705 | 0.9622 |
| Over 17 --- Depressive Neurosis | 706 | 1.1298 |
| 17 & younger ? Nondepressive Neurosis | 707 | 1.5491 |
| Over 17 --- Nondepressive Neurosis | 708 | 1.3048 |
| 17 & younger --- Personality Disorders | 709 | 3.1015 |
| Over 17 --- Personality Disorders | 710 | 1.5308 |
| 17 & younger --- Organic Disturbances | 711 | 4.5530 |
| Over 17 --- Organic Disturbances | 712 | 2.3601 |
| 17 & younger --- Psychoses | 713 | 2.3330 |
| Over 17 --- Psychoses | 714 | 1.8706 |
| 17 & younger --- Childhood Disorders | 715 | 3.1794 |
| Over 17 --- Childhood Disorders | 716 | 1.7638 |
| 17 & younger --- Other Mental Disorders | 717 | 6.4485 |
| Over 17 --- Other Mental Disorders | 718 | 1.9670 |

Hospital Institutions for Mental Disease (IMD)

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|--|---------|--------|
| 17 & younger --- All OR Procedures | 721/821 | 2.4758 |
| Over 17 --- All OR Procedures | 722/822 | 2.4815 |
| 17 & younger --- Adjust. Reaction or Dysf. | 723/823 | 1.5601 |
| Over 17 --- Adjust. Reaction or Dysf. | 724/824 | 0.6779 |
| 17 & younger --- Depressive Neurosis | 725/825 | 1.0539 |
| Over 17 --- Depressive Neurosis | 726/826 | 0.6116 |
| 17 & younger --- Nondepressive Neurosis | 727/827 | 0.7048 |
| Over 17 --- Nondepressive Neurosis | 728/828 | 0.4493 |
| 17 & younger --- Personality Disorders | 729/829 | 1.1771 |
| Over 17 --- Personality Disorders | 730/830 | 0.8286 |
| 17 & younger --- Organic Disturbances | 731/831 | 2.4645 |
| Over 17 --- Organic Disturbances | 732/832 | 1.2775 |
| 17 & younger --- Psychoses | 733/833 | 1.2105 |
| Over 17 --- Psychoses | 734/834 | 1.1903 |
| 17 & younger --- Childhood Disorders | 735/835 | 1.0749 |
| Over 17 --- Childhood Disorders | 736/836 | 0.9547 |

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| 17 & younger --- Other Mental Disorders | 737/837 | 3.4905 |
| Over 17 --- Other Mental Disorders | 738/838 | 1.0647 |

Acute Care Hospitals With Exempt Psych Units

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|--|---------|--------|
| 17 & younger --- All OR Procedures | 741/841 | 1.9311 |
| Over 17 --- All OR Procedures | 742/842 | 1.9355 |
| 17 & younger --- Adjust. Reaction or Dysf. | 743/843 | 1.2168 |
| Over 17 --- Adjust. Reaction or Dysf. | 744/844 | 0.6549 |
| 17 & younger --- Depressive Neurosis | 745/845 | 0.8261 |
| Over 17 --- Depressive Neurosis | 746/846 | 0.5693 |
| 17 & younger --- Nondepressive Neurosis | 747/847 | 0.7519 |
| Over 17 --- Nondepressive Neurosis | 748/848 | 0.7012 |
| 17 & younger --- Personality Disorders | 749/849 | 2.0761 |
| Over 17 --- Personality Disorders | 750/850 | 0.7445 |
| 17 & younger --- Organic Disturbances | 751/851 | 1.9222 |
| Over 17 --- Organic Disturbances | 752/852 | 1.2212 |
| 17 & younger --- Psychoses | 753/853 | 1.5944 |
| Over 17 --- Psychoses | 754/854 | 0.9113 |
| 17 & younger --- Childhood Disorders | 755/855 | 1.2898 |
| Over 17 --- Childhood Disorders | 756/856 | 0.8764 |
| 17 & younger --- Other Mental Disorders | 757/857 | 2.7225 |
| Over 17 --- Other Mental Disorders | 758/858 | 0.8305 |

Acute Care Hospitals Without Exempt Psych Units

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|--|---------|--------|
| 17 & younger --- All OR Procedures | 761/861 | 1.7197 |
| Over 17 --- All OR Procedures | 762/862 | 1.7236 |
| 17 & younger --- Adjust. Reaction or Dysf. | 763/863 | 1.0836 |
| Over 17 --- Adjust. Reaction or Dysf. | 764/864 | 0.5871 |
| 17 & younger --- Depressive Neurosis | 765/865 | 0.7019 |
| Over 17 --- Depressive Neurosis | 766/866 | 0.5584 |
| 17 & younger --- Nondepressive Neurosis | 767/867 | 0.7202 |
| Over 17 --- Nondepressive Neurosis | 768/868 | 0.6481 |
| 17 & younger --- Personality Disorders | 769/869 | 1.1661 |
| Over 17 --- Personality Disorders | 770/870 | 0.5755 |
| 17 & younger --- Organic Disturbances | 771/871 | 1.7118 |
| Over 17 --- Organic Disturbances | 772/872 | 0.8873 |
| 17 & younger --- Psychoses | 773/873 | 1.3194 |
| Over 17 --- Psychoses | 774/874 | 0.9113 |
| 17 & younger --- Childhood Disorders | 775/875 | 1.1485 |
| Over 17 --- Childhood Disorders | 776/876 | 0.6631 |
| 17 & younger --- Other Mental Disorders | 777/877 | 2.4244 |
| Over 17 --- Other Mental Disorders | 778/878 | 0.7395 |

SPECIAL TRANSPLANT DRG Groupings for Wisconsin Medicaid

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|-----------------------|-----|---------|
| Heart/Lung Transplant | 990 | 74.2040 |
| Pancreas Transplant | 991 | 3.5163 |

ATTACHMENT B**WISCONSIN MEDICAID PROGRAM INPATIENT HOSPITAL DRG BASE RATES
EFFECTIVE JULY 1, 2001 – JUNE 30, 2002**

| Hospital | City | Provider | DRG Base Rate |
|-----------------------|-------------------|-----------------|----------------------|
| APPLE RIVER HOSPITAL | AMERY | 11007600 | 3,783 |
| LANGLADE MEMORIAL | ANTIGO | 11018100 | 4,203 |
| APPLETON MED CTR | APPLETON | 11019000 | 4,172 |
| ST ELIZABETH | APPLETON | 11006700 | 3,957 |
| FRANCIS SKEMP MED CTR | ARCADIA | 11017600 | 3,653 |
| MEMORIAL MEDICAL CTR | ASHLAND | 11019500 | 4,566 |
| BALDWIN COMMUNITY MEM | BALDWIN | 11016100 | 4,342 |
| ST. CLARE | BARABOO | 11022800 | 4,186 |
| MEMORIAL MEDICAL CNTR | BARRON | 11016200 | 4,627 |
| BEAVER DAM | BEAVER DAM | 11012200 | 3,899 |
| BELOIT MEMORIAL | BELOIT | 11014000 | 3,958 |
| BERLIN MEMORIAL | BERLIN | 11011000 | 3,618 |
| BLACK RIVER MEM | BLACK RIVER FALLS | 11018300 | 3,638 |
| BLOOMER COM MEM | BLOOMER | 11018500 | 3,590 |
| MEMORIAL | BOSCEL | 11015200 | 4,607 |
| ELMBROOK MEM | BROOKFIELD | 11019400 | 3,863 |
| BURLINGTON MEM | BURLINGTON | 11010900 | 3,995 |

| Hospital | City | Provider | DRG Base Rate |
|------------------------------|-----------------|-----------------|----------------------|
| CALUMET MED CTR | CHILTON | 11015300 | 4,033 |
| ST JOSEPH'S | CHIPPEWA FALLS | 11007500 | 3,703 |
| COLUMBUS COMMUNITY | COLUMBUS | 11012800 | 3,963 |
| CUMBERLAND MEM | CUMBERLAND | 11011600 | 4,115 |
| MEM OF LAFAYETTE CO | DARLINGTON | 11014800 | 3,588 |
| MEM OF IOWA CO | DODGEVILLE | 11008700 | 3,704 |
| CHIPPEWA VALLEY | DURAND | 11000500 | 4,501 |
| EAGLE RIVER MEM | EAGLE RIVER | 11018900 | 3,777 |
| LUTHER | EAU CLAIRE | 11011800 | 3,709 |
| SACRED HEART | EAU CLAIRE | 11007100 | 3,740 |
| COMMUNITY MEM | EDGERTON | 11008600 | 3,711 |
| LAKELAND | ELKHORN | 11021600 | 3,665 |
| FOND DU LAC M H | FOND DU LAC | 10062400 | 3,195 |
| ST AGNES | FOND DU LAC | 11013000 | 4,128 |
| ADAMS CO MEM | FRIENDSHIP | 11012000 | 3,879 |
| FT ATKINSON MEM | FT ATKINSON | 11011900 | 3,957 |
| BURNETT GENERAL | GRANTSBURG | 11016600 | 3,845 |
| BELLIN | GREEN BAY | 11010200 | 3,768 |
| BELLIN PSYCH | GREEN BAY | 10065900 | 4,019 |
| BROWN CO M H | GREEN BAY | 10064500 | 3,366 |
| LIBERTAS | GREEN BAY | 10065600 | 4,892 |
| ST MARY'S | GREEN BAY | 11013800 | 4,003 |
| ST VINCENT | GREEN BAY | 11012100 | 3,870 |
| KINDRED | GREENFIELD | 11021400 | 8,557 |
| HARTFORD MEM | HARTFORD | 11009200 | 4,051 |
| HAYWARD AREA | HAYWARD | 11001600 | 4,033 |
| ST JOSEPH'S | HILLSBORO | 11007400 | 4,783 |
| HUDSON MEM | HUDSON | 11018700 | 4,405 |
| MERCY | JANESVILLE | 11011400 | 4,209 |
| AURORA HEALTH CARE | KENOSHA | 11022500 | 3,986 |
| CHILDREN'S OF WISCONSIN | KENOSHA | 11023000 | 3,986 |
| KENOSHA MEMORIAL | KENOSHA | 11007800 | 3,740 |
| FRANCISCAN SKEMP MEDICAL CTR | LA CROSSE | 11006300 | 4,051 |
| GUNDERSON LUTHERAN MED CTR | LA CROSSE | 11012900 | 4,307 |
| RUSK CO MEM | LADYSMITH | 11009300 | 3,903 |
| GRANT REGIONAL MEM | LANCASTER | 11018000 | 3,591 |
| MERITER | MADISON | 11001700 | 4,604 |
| ST MARY'S | MADISON | 11022900 | 4,682 |
| UNIVERSITY OF WISCONSIN | MADISON | 11022000 | 6,217 |
| HOLY FAMILY | MANITOWOC | 11014600 | 3,810 |
| BAY AREA | MARINETTE | 11001400 | 3,781 |
| NORWOOD H C | MARSHFIELD | 10063900 | 3,220 |
| ST JOSEPH'S | MARSHFIELD | 11009100 | 4,165 |
| HESS MEMORIAL | MAUSTON | 11014700 | 4,610 |
| TAYLOR CO | MEDFORD | 11006400 | 3,853 |
| COMMUNITY MEMORIAL | MENOMONEE FALLS | 11014300 | 3,847 |
| MYRTLE WERTH | MENOMONIE | 11006200 | 3,685 |
| ST MARY'S | MEQUON | 11008300 | 3,925 |
| GOOD SAMARITAN | MERRILL | 11007300 | 3,959 |
| CHILDREN'S OF WISCONSIN | MILWAUKEE | 11019700 | 8,037 |
| COLUMBIA | MILWAUKEE | 11017400 | 5,031 |
| FROEDTERT | MILWAUKEE | 11000400 | 6,694 |
| MIL CO MENTAL HEALTH | MILWAUKEE | 10062900 | 4,860 |
| NEXTCARE SPECIALTY HOSPITAL | MILWAUKEE | 11023300 | 4,387 |
| SINAI SAMARITAN | MILWAUKEE | 11020400 | 6,499 |
| ST FRANCIS | MILWAUKEE | 11012400 | 4,359 |
| ST JOSEPH'S | MILWAUKEE | 11017100 | 4,976 |
| ST LUKE'S | MILWAUKEE | 11017200 | 4,900 |
| ST MARY'S | MILWAUKEE | 11010300 | 5,321 |
| ST MICHAEL | MILWAUKEE | 11009400 | 4,812 |
| MONROE CLINIC | MONROE | 11008400 | 4,037 |
| CHILDREN'S OF WISCONSIN | NEENAH | 11023400 | 3,793 |
| THEDA CLARK | NEENAH | 11009900 | 3,886 |
| MEMORIAL OF NEILLSVILLE | NEILLSVILLE | 11010500 | 3,461 |
| NEW LONDON | NEW LONDON | 11010400 | 3,840 |
| HOLY FAMILY | NEW RICHMOND | 11008200 | 4,244 |
| OCONOMOWOC MEMORIAL | OCONOMOWOC | 11011100 | 3,939 |
| ROGERS MEMORIAL | OCONOMOWOC | 10063800 | 3,774 |
| OCONTO MEMORIAL | OCONTO | 11012300 | 3,863 |

| Hospital | City | Provider | DRG Base Rate |
|------------------------------|------------------|-----------------|----------------------|
| OCONTO FALLS COM MEM | OCONTO FALLS | 11014100 | 3,535 |
| LADD MEMORIAL | OSCEOLA | 11018800 | 3,702 |
| MERCY MEDICAL | OSHKOSH | 11010100 | 3,788 |
| OSSEO AREA | OSSEO | 11015600 | 3,905 |
| FLAMBEAU MED CTR | PARK FALLS | 11016700 | 3,943 |
| SOUTHWEST HEALTH CTR | PLATTEVILLE | 11000600 | 3,875 |
| VALLEY VIEW | PLYMOUTH | 11021700 | 3,456 |
| DIVINE SAVIOR | PORTAGE | 11009500 | 3,726 |
| PRAIRIE DU CHIEN MEM | PRAIRIE DU CHIEN | 11016900 | 3,673 |
| SAUK PRAIRIE MEM | PRAIRIE DU SAC | 11013600 | 4,076 |
| ST LUKE'S | RACINE | 11013500 | 4,025 |
| ST MARY'S | RACINE | 11013700 | 4,095 |
| REEDSBURG MEM | REEDSBURG | 11001500 | 3,745 |
| ST MARY'S | RHINELANDER | 11000700 | 4,551 |
| LAKEVIEW MED CTR | RICE LAKE | 11006900 | 3,857 |
| RICHLAND | RICHLAND CTR | 11015500 | 3,895 |
| RIPON MEM | RIPON | 11013200 | 3,951 |
| RIVER FALLS AREA | RIVER FALLS | 11006800 | 4,346 |
| SHAWANO | SHAWANO | 11013400 | 3,929 |
| SHEBOYGAN MEM | SHEBOYGAN | 11009000 | 3,667 |
| ST NICHOLAS | SHEBOYGAN | 11009800 | 3,719 |
| INDIANHEAD MED CTR | SHELL LAKE | 11020700 | 3,594 |
| FRANCIS SKEMP MED CTR | SPARTA | 11015900 | 3,873 |
| COMMUNITY MEMORIAL | SPOONER | 11010000 | 3,867 |
| ST CROIX VALLEY MEM | ST CROIX FALLS | 11015000 | 3,636 |
| VICTORY MEM | STANLEY | 11006500 | 3,537 |
| ST MICHAEL'S | STEVENS POINT | 11006100 | 4,121 |
| STOUGHTON | STOUGHTON | 11007200 | 4,240 |
| DOOR CO MEMORIAL | STURGEON BAY | 11018400 | 4,016 |
| ST. MARY'S | SUPERIOR | 11022400 | 4,068 |
| TOMAH MEMORIAL | TOMAH | 11017800 | 4,188 |
| SACRED HEART | TOMAHAWK | 11000800 | 3,583 |
| AURORA MEDICAL CENTER | TWO RIVERS | 11008900 | 4,711 |
| VERNON MEM | VIROQUA | 11008000 | 3,994 |
| WATERTOWN MEM | WATERTOWN | 11015400 | 3,704 |
| WAUKESHA CO M H | WAUKESHA | 10063300 | 3,678 |
| WAUKESHA MEM | WAUKESHA | 11006600 | 4,386 |
| RIVERSIDE | WAUPACA | 11018600 | 4,056 |
| WAUPUN MEM | WAUPUN | 11008100 | 3,882 |
| NORTH CENTRAL H C | WAUSAU | 10063700 | 3,403 |
| WAUSAU | WAUSAU | 11008500 | 4,228 |
| MILWAUKEE PSYCHIATRIC | WAUWATOSA | 10062800 | 4,616 |
| ROGERS MEMORIAL | WEST ALLIS | 10066300 | 5,827 |
| SELECT SPECIALTIES | WEST ALLIS | 11023200 | 4,387 |
| WEST ALLIS MEM | WEST ALLIS | 11017300 | 4,693 |
| ST JOSEPH'S | WEST BEND | 11011200 | 3,732 |
| TRI CO MEM | WHITEHALL | 11016000 | 3,739 |
| WILD ROSE | WILD ROSE | 11018200 | 3,779 |
| RIVERVIEW | WISCONSIN RAPIDS | 11008800 | 4,218 |
| HOWARD YOUNG | WOODRUFF | 11013300 | 3,942 |
| MERCY HEALTH CARE | DUBUQUE IA | 11002500 | 3,596 |
| THE FINLEY HOSPITAL | DUBUQUE IA | 11002600 | 3,699 |
| UNIVERSITY OF IOWA | IOWA CITY IA | 11020900 | 3,981 |
| FREEPART MEMORIAL | FREEPART IL | 10051400 | 3,541 |
| GALENA STRAUSS HOSPITAL | GALENA IL | 10051300 | 3,541 |
| HARVARD COMMUNITY MEMORIAL | HARVARD IL | 11002000 | 4,183 |
| ROCKFORD MEMORIAL | ROCKFORD IL | 11002400 | 3,499 |
| ST ANTHONY | ROCKFORD IL | 11002300 | 4,293 |
| SWEDISH AMERICAN HOSPITAL | ROCKFORD IL | 11002200 | 3,726 |
| MEMORIAL HOSPITAL | WOODSTOCK IL | 11002100 | 4,183 |
| DICKINSON COUNTY MEMORIAL | IRON MOUNTAIN MI | 11002900 | 4,192 |
| IRON COUNTY GENERAL HOSPITAL | IRON RIVER MI | 11003200 | 3,861 |
| GRAND VIEW | IRONWOOD MI | 11003100 | 4,050 |
| MARQUETTE GENERAL HOSPITAL | MARQUETTE MI | 11023100 | 3,861 |
| COMMUNITY MEMORIAL HOSP | CLOQUET MN | 11021100 | 3,804 |
| MERCY HOSPITAL | COON RAPIDS MN | 11001200 | 4,345 |
| CRYSTAL FALLS COMMUNITY HOSP | CRYSTAL FALLS MN | 11003300 | 3,861 |
| COMMUNITY MEMORIAL HOSP. | DEER RIVER MN | 11021200 | 3,804 |
| MILLER DWAN | DULUTH MN | 11022600 | 4,325 |

| Hospital | City | Provider | DRG Base Rate |
|------------------------------|------------------|-----------------|----------------------|
| ST LUKE'S | DULUTH MN | 11004500 | 4,055 |
| ST MARY'S | DULUTH MN | 11003900 | 4,439 |
| FAIRVIEW SOUTHDALE | EDINA MN | 10051200 | 4,345 |
| KINDRED | GOLDEN VALLEY MN | 11022700 | 4,345 |
| REGINA MEDICAL COMPLEX | HASTINGS MN | 11005100 | 4,345 |
| LAKE CITY | LAKE CITY MN | 11001000 | 3,804 |
| HEALTHEAST ST JOSEPH'S | MAPLEWOOD MN | 11021000 | 4,345 |
| ABBOTT NORTHWESTERN | MINNEAPOLIS MN | 11005000 | 4,312 |
| CHILDREN'S HEALTH CARE | MINNEAPOLIS MN | 11021800 | 5,258 |
| FAIRVIEW UNIVERSITY | MINNEAPOLIS MN | 11005500 | 4,398 |
| HENNEPIN COUNTY HOSPITAL | MINNEAPOLIS MN | 11020200 | 5,018 |
| PHILLIPS EYE INSTITUTE | MINNEAPOLIS MN | 11005900 | 4,345 |
| FAIRVIEW REDWING HOSPITAL | REDWING MN | 11004200 | 3,804 |
| NORTH MEMORIAL MEDICAL CTR | ROBINSDALE MN | 11003800 | 4,811 |
| METHODIST HOSPITAL | ROCHESTER MN | 11005200 | 4,510 |
| ST MARY'S | ROCHESTER MN | 11004100 | 4,375 |
| METHODIST HOSPITAL | ST LOUIS PARK MN | 11004800 | 4,345 |
| CHILDREN'S HEALTH CARE | ST PAUL MN | 11021900 | 4,706 |
| GILLETTE CHILDREN'S HOSPITAL | ST PAUL MN | 11003700 | 4,855 |
| REGIONS HOSPITAL | ST PAUL MN | 11005600 | 4,545 |
| ST JOSEPH'S | ST PAUL MN | 11005300 | 4,534 |
| UNITED HOSPITAL | ST PAUL MN | 11000900 | 4,241 |
| LAKEVIEW MEMORIAL HOSPITAL | STILLWATER MN | 11005400 | 4,345 |
| ST ELIZABETH HOSPITAL | WABASHA MN | 11004000 | 3,804 |
| COMMUNITY MEMORIAL | WINONA MN | 11004400 | 3,804 |

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