



## 2021 ASSEMBLY BILL 1094

March 7, 2022 - Introduced by Representatives LOUDENBECK, NOVAK, DITTRICH and SUBECK, cosponsored by Senator DARLING. Referred to Committee on Children and Families.

1     **AN ACT** *to renumber and amend* 48.66 (5); *to amend* 48.715 (4) (e) and 48.715  
2           (7); and *to create* 48.66 (1) (am) and 48.66 (5) (c) of the statutes; **relating to:**  
3           Department of Children and Families license continuation process for certain  
4           accredited entities.

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### *Analysis by the Legislative Reference Bureau*

This bill creates an alternative license continuation process for certain accredited entities licensed by the Department of Children and Families.

Under current law, DCF licenses child welfare agencies, group homes, and shelter care facilities. Current law provides that such a license, other than a probationary license, is valid until revoked or suspended, but requires DCF to review the license every two years after the date of issuance. Current law requires a licensee, at least 30 days prior to the continuation date of its license, to submit to DCF an application for continuance of the license in the form and containing the information that DCF requires. Current law requires DCF to continue the license for two years if the minimum requirements for a license are met, the application is approved, fees required for the application, fingerprinting, and background checks are paid, and any forfeiture or penalty imposed for a license violation is paid.

Under the bill, a child welfare agency, group home, or shelter care facility that is accredited by a national accreditation body that has developed child welfare standards (accredited licensee) may request a license continuation from DCF as an alternative to the normal continuation application process. If the accredited licensee chooses this option, it must submit a request to DCF for license continuation at least

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30 days prior to the continuation date of its license. The bill provides that DCF must continue such a license for two years if 1) the licensee submits along with this request proof that it is accredited by a national accreditation body that has developed child welfare standards and proof that it is in compliance with background check requirements; 2) the fees required for the application, fingerprinting, and background checks are paid; and 3) any forfeiture or penalty imposed for a license violation is paid.

Under the bill, this alternative process for license continuation is not available to an accredited licensee that is subject to the sanction of complying with a plan of correction or closing intake of any new children or subject to a penalty of license suspension for not more than two weeks.

Current law allows DCF to inspect the records and visit the premises of licensees. This bill requires DCF to suspend normal monitoring actions for an accredited licensee for a period set by the licensee but not to exceed 18 months if the licensee notifies DCF that it is entering a reaccreditation process, except to verify correction of a violation or investigate a serious incident. Also under the bill, DCF may not cite an accredited licensee for noncompliance with a license standard if the licensee is in compliance with an accreditation standard that exceeds the license standard or addresses the same issue in an alternative way.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 48.66 (1) (am) of the statutes is created to read:

2           48.66 (1) (am) 1. In this paragraph, “accredited licensee” means a child welfare  
3 agency, a group home, or a shelter care facility that is accredited by a national  
4 accreditation body that has developed child welfare standards.

5           2. Except as provided in subd. 3., upon notification by an accredited licensee  
6 that it is entering a reaccreditation process, the department shall suspend normal  
7 monitoring actions under par. (a) for that licensee during a period set by the licensee  
8 but not to exceed 18 months.

9           3. The department may inspect the records and visit the premises of an  
10 accredited licensee as provided under par. (a) during the period described under  
11 subd. 2. for purposes of verifying correction of a violation for which the department  
12 cited the licensee or investigating a serious incident reported to the department.

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1           4. An accredited licensee shall submit to the department proof of its  
2 accreditation and the date upon which the licensee is due for accreditation renewal  
3 as soon as practicable after the date of accreditation.

4           5. If an accredited licensee has complied with subd. 4., the department may not  
5 cite the licensee for noncompliance with a license standard if the licensee is in  
6 compliance with an accreditation standard that exceeds the license standard or  
7 addresses the same issue in an alternative way.

8           **SECTION 2.** 48.66 (5) of the statutes is renumbered 48.66 (5) (a) and amended  
9 to read:

10           48.66 (5) (a) A child welfare agency, group home, child care center, or shelter  
11 care facility license, other than a probationary license, is valid until revoked or  
12 suspended, but shall be reviewed every 2 years after the date of issuance as provided  
13 in this subsection. ~~At~~

14           (b) Except as provided in par. (c), at least 30 days prior to the continuation date  
15 of the license, the licensee shall submit to the department an application for  
16 continuance of the license in the form and containing the information that the  
17 department requires. If the minimum requirements for a license established under  
18 s. 48.67 are met, the application is approved, the applicable fees referred to in ss.  
19 48.68 (1), 48.685 (8), and 48.686 (2) (ag) are paid, and any forfeiture under s. 48.715  
20 (3) (a) or penalty under s. 48.76 that is due is paid, the department shall continue the  
21 license for an additional 2-year period, unless sooner suspended or revoked.

22           (d) If the application under par. (b) or the request under par. (c) is not timely  
23 filed, the department shall issue a warning to the licensee. If the licensee fails to  
24 apply for or request continuance of the license within 30 days after receipt of the

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1 warning, the department may revoke the license as provided in s. 48.715 (4) and (4m)  
2 (b).

3 **SECTION 3.** 48.66 (5) (c) of the statutes is created to read:

4 48.66 (5) (c) 1. Except as provided in subd. 2., if a licensee is a child welfare  
5 agency, a group home, or a shelter care facility and is accredited by a national  
6 accreditation body that has developed child welfare standards, the licensee may, as  
7 an alternative to the license continuation procedure under par. (b), submit to the  
8 department a request for continuance of the license. A licensee that uses this  
9 alternative procedure shall submit the request to the department at least 30 days  
10 prior to the continuation date of the license. If, along with the request, the licensee  
11 submits proof that it is accredited by a national accreditation body that has  
12 developed child welfare standards and proof that it is in compliance with s. 48.685;  
13 the applicable fees referred to in ss. 48.68 (1) and 48.685 (8) are paid; and any  
14 forfeiture under s. 48.715 (3) (a) or penalty under s. 48.76 that is due is paid, the  
15 department shall continue the license for an additional 2-year period, unless sooner  
16 suspended or revoked.

17 2. Subdivision 1. does not apply to a licensee that is subject to a sanction under  
18 s. 48.715 (2) (e) or (f) or a penalty under s. 48.715 (3) (b).

19 **SECTION 4.** 48.715 (4) (e) of the statutes is amended to read:

20 48.715 (4) (e) The licensee has failed to apply for or request a continuance of  
21 the license within 30 days after receipt of the warning under s. 48.66 (5).

22 **SECTION 5.** 48.715 (7) of the statutes is amended to read:

23 48.715 (7) The department shall deny an application or request for the issuance  
24 or continuation of a license under s. 48.66 (1) (a) or a probationary license under s.  
25 48.69 to operate a child welfare agency, group home, shelter care facility, or child care

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1 center, or revoke such a license already issued, if the department of revenue certifies  
2 under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the  
3 department of workforce development certifies under s. 108.227 that the applicant  
4 or licensee is liable for delinquent unemployment insurance contributions. An action  
5 taken under this subsection is subject to review only as provided under s. 73.0301 (5)  
6 or 108.227 (5) and not as provided in s. 48.72.

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**(END)**