

1983 Senate Bill 673

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1983 Wisconsin Act 245

AN ACT to renumber 49.19 (11) (a) 1. d and 49.19 (11) (a) 4; to amend 20.435 (4) (b), 49.19 (4) (g) 1 and 3, 49.19 (4) (g) 2, 49.19 (11) (a) 1. a. (intro.) and b. (intro.), 49.19 (11) (a) 2, 49.46 (2) (b) 7 and 49.47 (4) (b) 2; and to create 49.19 (11) (a) 4, 49.45 (6) (c) and 49.47 (4) (b) 2m. b of the statutes; and to affect 1983 Wisconsin Act 27, section 2020 (6) (a) 7 and 1983 Wisconsin Act 27, section 2020 (8) (b) 3, relating to changes to various programs administered by the department of health and social services.

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

SECTION 1. 20.435 (4) (b) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

20.435 (4) (b) *Community social and mental hygiene services.* The amounts in the schedule for the provision or purchase of mental health services under ss. 51.42 and 51.437, for reimbursement for county administration of social services under ss. 46.22 (5m) and 49.51 (3) and (4), including foster care under ss. 49.19 (10) and 49.50 and services under s. 46.27, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4) and for shelter care under ss. 48.22 and 48.58. Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s.

46.03 (20) (b) shall be returned to this appropriation. Counties are liable for any share of the social services disbursements according to the rate established under s. 49.52. The receipt of the counties' payments for their share of the cost of services under s. 46.03 (20) (d) shall be returned to this appropriation. Allocation of the fund for mental health services shall be exclusively determined by the department of health and social services, subject to ss. 51.42 and 51.437. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and social services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation and may transfer between calendar years funds it recovers under ss. 49.52 (2) (b) and 51.42 (8m) from prior year audit adjustments including those resulting from audits of services under s. 46.26. The department may also transfer between calendar years funds it allocates under ss. 49.52 (1) (d) and 51.42 (8) (b) but not spent or encumbered on or before December 31 of any year by counties or by boards created under s. 46.23, 51.42 or 51.437. The department may use the funds it transfers to pay counties owed funds for the purchase or provision of mental health services ~~or~~, social services or services under s. 46.26, due to any prior year audit adjustment. The department may not transfer more than \$500,000 for these purposes. Ninety percent of funds not transferred between calendar years, allocated under s. 51.42 (8) (b) and not spent or encumbered by boards created under s. 46.23, 51.42 or 51.437 by December 31 of each year, and 90% of funds not transferred between calendar years, allocated under ss. 46.27 and 49.52 (1) (d) and not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance. The department may allocate the 10% not lapsing for emergencies, for justifiable unit service costs above planned levels and to recognize shifts in service populations among counties during the following calendar year.

SECTION 2. 49.19 (4) (g) 1 and 3 of the statutes are amended to read:

49.19 (4) (g) 1. If the pregnancy is medically verified, a pregnant woman receiving aid under this section who notifies the county department of public welfare or social services before the 7th month of pregnancy begins shall receive a ~~\$60~~ monthly payment determined under sub. (11) (a) 4 from the first day of the month in which the 7th month of pregnancy begins, in addition to the payment determined according to family size under sub. (11) (a). If the recipient provides notification after the 7th month of pregnancy begins, the woman shall receive the additional ~~\$60~~ monthly payment determined under sub. (11) (a) 4 beginning with the first day of the month following notification.

3. Eligibility for a ~~\$60~~ the additional monthly payment under this paragraph continues through the month of the child's birth.

SECTION 3. 49.19 (4) (g) 2 of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

49.19 (4) (g) 2. Aid to a pregnant woman who is otherwise eligible but has no children is available from the first day of the month in which the 7th month of pregnancy begins or the date the woman submits a signed and completed application for aid to the county department of public welfare or social services, whichever is later, if the pregnancy is medically verified. The pregnant woman has a family size of one for grant determination purposes under sub. (11) (a) and is additionally eligible for a ~~\$60~~ monthly payment determined under sub. (11) (a) 4.

SECTION 4. 49.19 (11) (a) 1. a. (intro.) and b. (intro.) of the statutes, as affected by 1983 Wisconsin Act 27, are amended to read:

49.19 (11) (a) 1. a. (intro.) Monthly payments made under s. 20.435 (4) (d) to persons or to families with dependent children shall be based on family size and shall be at 85% of the total of the allowances under subds. 2 and 4 plus the following standards of assistance for the period from August 1, 1983, to June 30, 1984. [See Figure 49.19 (11) (a) 1. a. following]

b. (intro.) Payments made from July 1, 1984, to June 30, 1985, shall be at 85% of the ~~following standard~~ total of the allowances under subds. 2 and 4 plus the following standards of assistance: [See Figure 49.19 (1) (a) 1. b. following]

SECTION 5. 49.19 (11) (a) 1. d of the statutes, as affected by 1983 Wisconsin Act 27, is renumbered 49.19 (11) (a) 6.

SECTION 6. 49.19 (11) (a) 2 of the statutes is amended to read:

49.19 (11) (a) 2. A monthly allowance of \$25 per person for each additional member in the family above 10 shall be ~~made in addition to that~~ added to the standard of assistance specified under subd. 1. a or b.

SECTION 7. 49.19 (11) (a) 4 of the statutes, as created by 1983 Wisconsin Act 27, is renumbered 49.19 (11) (a) 5.

SECTION 8. 49.19 (11) (a) 4 of the statutes is created to read:

49.19 (11) (a) 4. In accordance with s. 49.19 (4) (g), a monthly allowance of \$71 for each person in the family who qualifies for a payment under s. 49.19 (4) (g) shall be added to the standard of assistance specified under subd. 1. a or b.

SECTION 9. 49.45 (6) (c) of the statutes is created to read:

49.45 (6) (c) In this subsection "state share" and "nonfederal share" mean that portion of the medical assistance costs for mental health services that is not reimbursed by federal funds, unless no federal financial participation is available for these services. If no federal financial participation is available for a mental health service which is a benefit and payable under s. 49.46 (2), "state share" and "nonfederal share" mean that portion of the costs which would be the state or nonfederal share if federal financial participation were available. If no federal participation is available, the costs that would be the federal share if federal participation were available shall be paid from the appropriation under s. 20.435 (1) (b).

SECTION 10. 49.46 (2) (b) 7 of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

49.46 (2) (b) 7. Inpatient psychiatric care, including alcohol and other drug abuse treatment services, for persons age 22 to 64, if the community mental health board created under s. 51.42 for the county in which the person resides authorizes payment. The board is liable for 10% of the medical assistance rate established under s. 49.45 (3) (e) if a hospital provides the care and if no county-owned or county-operated special hospital licensed under s. 50.33 (1) (c) is located within the jurisdiction of the board. The board is liable for 20% of the medical assistance rate established under s. 49.45 (3) (e) if a hospital provides the care and if a county-owned or county-operated special hospital is located within the jurisdiction of the board. The board is liable for the state share of the amounts paid under the rates established by the department if an inpatient facility other than a hospital provides the care, limited to the care provided within the first month in which the person is admitted. In this subdivision, "state share" means the nonfederal portion of the rates established under s. 49.45 (3) (e), if federal financial participation were available for this service. In this subdivision, "hospital" has the meaning provided in s. 50.33 (1) (a), but does not include psychiatric or mental hospitals. Reimbursement for this service is limited to an episode of care occurring at least 90 days from the date of the last discharge.

SECTION 11. 49.47 (4) (b) 2 of the statutes is amended to read:

49.47 (4) (b) 2. Household and personal possessions, ~~including a~~

2m. One or more motor vehicle vehicles as specified in this subdivision.

a. For persons who are eligible under par. (a) 1 or 2, one vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from consideration as an asset only if the department determines that it is necessary for the purpose of employment or to ob-

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tain medical care. The equity value of any nonexempt vehicles owned by the applicant is an asset for the purposes of determining eligibility for medical assistance under this section.

SECTION 12. 49.47 (4) (b) 2m. b of the statutes is created to read:

49.47 (4) (b) 2m. b. For persons who are eligible under par. (a) 3 or 4, motor vehicles are exempt from consideration as an asset to the same extent as provided under 42 USC 1381 to 1385.

SECTION 13. 1983 Wisconsin Act 27, section 2020 (6) (a) 7 is amended to read:

(1983 Wisconsin Act 27) Section 2020 (6) (a) 7. For the community options program under section 46.27 of the statutes, amounts not to exceed \$9,772,700 for 1984 and \$7,942,000 for the first 6 months of 1985. The department of health and social services shall designate amounts from this allocation, not to exceed \$906,500 for 1984 and \$636,800 for the first 6 months of 1985, for assessments and case plan costs under section 46.27 (6) of the statutes not otherwise paid under section 46.032 or 49.45 of the statutes. In addition, notwithstanding sections 20.435 (1) (bm) and (4) (b) of the statutes, the department of health and social services may transfer, from the appropriation under section 20.435 (1) (bm) of the statutes to the appropriation under section 20.435 (4) (b) of the statutes, up to \$355,600 in fiscal year 1983-84 and up to \$521,100 in fiscal year 1984-85 for the purpose of providing funds for additional assessments and case plan costs under section 46.27 (6) of the statutes not otherwise paid under section 46.032 or 49.45 of the statutes. Subject to the limitations of section 46.27 (7) of the statutes, the department of health and social services shall allocate funds under this subdivision to participating counties based on the length of time that each county has participated in the community options program.

SECTION 14. 1983 Wisconsin Act 27, section 2020 (8) (b) 3 is amended to read:

(1983 Wisconsin Act 27) Section 2020 (8) (b) 3. To county departments of public welfare or social services, for the provision or purchase of child welfare projects and services in accordance with plans developed under section 46.031 of the statutes, subject only to local, state and federal requirements specific to the types of projects or services, at least ~~\$1,973,000~~ \$1,873,000 in federal fiscal year 1984 and at least ~~\$2,068,000~~ \$1,968,000 in federal fiscal year 1985.

SECTION 15. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
49.046 (3)(a) 1, as affected by 1983 Wis. Act 27	49.19 (11)(a) 1. d and 2	49.19 (11)(a) 2 and 6
49.46 (1)(a) 1, as affected by 1983 Wis. Act 27	49.19 (11)(a) 1. d	49.19 (11) (a) 6