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1 the recipient ~~while the recipient resides in a nursing home~~ that is recoverable under
2 sub. (3) (a).

3 **SECTION 1446.** 49.496 (2) (b) 3. of the statutes is amended to read:

4 49.496 (2) (b) 3. The recipient's sibling who has an ownership interest in the
5 home and who has lived in the home continuously beginning at least 12 months
6 before the recipient was admitted to the nursing home or hospital.

7 **SECTION 1447.** 49.496 (2) (c) 1. of the statutes is amended to read:

8 49.496 (2) (c) 1. Notify the recipient in writing of its determination that the
9 recipient cannot reasonably be expected to be discharged from the nursing home or
10 hospital, its intent to impose a lien on the recipient's home and the recipient's right
11 to a hearing on whether the requirements for the imposition of a lien are satisfied.

12 **SECTION 1448.** 49.496 (2) (f) 3. of the statutes is amended to read:

13 49.496 (2) (f) 3. A child of any age who resides in the home, if that child resided
14 in the home for at least 24 months before the recipient was admitted to the nursing
15 home or hospital and provided care to the recipient that delayed the recipient's
16 admission to the nursing home or hospital.

17 **SECTION 1449.** 49.496 (2) (f) 4. of the statutes is amended to read:

18 49.496 (2) (f) 4. A sibling who resides in the home, if the sibling resided in the
19 home for at least 12 months before the recipient was admitted to the nursing home
20 or hospital.

21 **SECTION 1450.** 49.496 (2) (h) of the statutes is amended to read:

22 49.496 (2) (h) The department shall file a release of a lien imposed under this
23 subsection if the recipient is discharged from the nursing home or hospital and
24 returns to live in the home.

25 **SECTION 1451.** 49.496 (3) (a) (intro.) of the statutes is amended to read:

1 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
2 a claim against the estate of a recipient ~~or against the estate of the surviving spouse~~
3 ~~of a recipient~~ for all of the following unless already recovered by the department
4 under this section:

5 **SECTION 1452.** 49.496 (3) (a) 1. of the statutes is amended to read:

6 49.496 (3) (a) 1. The amount of medical assistance paid on behalf of the
7 recipient while the recipient resided in a nursing home or while the recipient was an
8 inpatient in a ~~medical institution~~ hospital and was required to contribute to the cost
9 of care.

10 **SECTION 1453.** 49.496 (3) (a) 2. a. of the statutes is amended to read:

11 49.496 (3) (a) 2. a. Home-based or community-based services under 42 USC
12 1396d (a) (7) and (8) and under any waiver granted under 42 USC 1396n (c) (4) (B)
13 or 42 USC 1396u.

14 **SECTION 1454.** 49.496 (3) (a) 2. d. of the statutes is created to read:

15 49.496 (3) (a) 2. d. Personal care services under s. 49.46 (2) (b) 6. j.

16 **SECTION 1455.** 49.496 (3) (am) (intro.) of the statutes is amended to read:

17 49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.
18 (a) by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the
19 recipient's heirs or the beneficiaries of the recipient's will to retain the following
20 personal property:

21 **SECTION 1456.** 49.496 (3) (am) 3. of the statutes is amended to read:

22 49.496 (3) (am) 3. Other tangible personal property not used in trade,
23 agriculture or other business, not to exceed \$1,000 in value the amount specified in
24 s. 861.33 (1) (a) 4.

1 **SECTION 1458.** 49.496 (3) (c) of the statutes is renumbered 49.496 (3) (c) 1. and
2 amended to read:

3 49.496 (3) (c) 1. If the department's claim is not allowable because of par. (b)
4 and the estate includes an interest in a home, the court exercising probate
5 jurisdiction shall, in the final judgment or summary findings and order, assign the
6 interest in the home subject to a lien in favor of the department for the amount
7 described in par. (a). The personal representative or petitioner for summary
8 settlement or summary assignment of the estate shall record the final judgment as
9 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

10 **SECTION 1459.** 49.496 (3) (c) 2. of the statutes is created to read:

11 49.496 (3) (c) 2. If the department's claim is not allowable because of par. (b),
12 the estate includes an interest in a home and the personal representative closes the
13 estate by sworn statement under s. 865.16, the personal representative shall
14 stipulate in the statement that the home is assigned subject to a lien in favor of the
15 department for the amount described in par. (a). The personal representative shall
16 record the statement in the same manner as described in s. 863.29, as if the
17 statement were a final judgment.

18 **SECTION 1460.** 49.496 (3) (f) of the statutes is created to read:

19 49.496 (3) (f) The department may contract with or employ an attorney to
20 probate estates to recover under this subsection the costs of care.

21 **SECTION 1460m.** 49.496 (4) of the statutes is amended to read:

22 49.496 (4) ADMINISTRATION. The department may require a county department
23 under s. 46.215, 46.22 or 46.23 or the governing body of a federally recognized
24 American Indian tribe administering medical assistance to gather and provide the
25 department with information needed to recover medical assistance under this

1 section. The department shall pay to a county department or tribal governing body
2 an amount equal to 5% of the recovery collected by the department relating to a
3 beneficiary for whom the county department or tribal governing body made the last
4 determination of medical assistance eligibility. A county department or tribal
5 governing body may use funds received under this subsection only to pay costs
6 incurred under this subsection and, if any amount remains, to pay for improvements
7 to functions required under s. ~~49.33(2)~~ 49.45(2)(b)1. The department may withhold
8 payments under this subsection for failure to comply with the department's
9 requirements under this subsection. The department shall treat payments made
10 under this subsection as costs of administration of the medical assistance program.

11 **SECTION 1461.** 49.496 (5) of the statutes is amended to read:

12 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (5) (4) (im),
13 the department shall pay the amount of the payments under sub. (4) that is not paid
14 from federal funds, shall pay to the federal government the amount of the funds
15 recovered under this section equal to the amount of federal funds used to pay the
16 benefits recovered under this section and shall spend the remainder of the funds
17 recovered under this section for medical assistance benefits under this subchapter.

18 **SECTION 1462.** 49.499 (intro.) of the statutes, as affected by 1997 Wisconsin Act
19 27, is renumbered 49.499 (1) (intro.).

20 **SECTION 1463.** 49.499 (1) to (3) of the statutes are renumbered 49.499 (1) (a)
21 to (c).

22 **SECTION 1464.** 49.499 (2m) of the statutes is created to read:

23 49.499 (2m) From the appropriation under s. 20.435 (6) (g), the department
24 may distribute funds for innovative projects designed to protect the health and
25 property of a resident in a nursing facility, as defined in s. 49.498 (1) (i).

1 **SECTION 1465.** 49.665 (1) (a) of the statutes is renumbered 49.665 (1) (e) and
2 amended to read:

3 49.665 (1) (e) “~~Custodial parent~~ Parent” has the meaning given in s. 49.141 (1)
4 ~~(b)~~ (j).

5 **SECTION 1466.** 49.665 (1) (b) of the statutes is repealed and recreated to read:
6 49.665 (1) (b) “Child” means a person who is under the age of 19.

7 **SECTION 1467.** 49.665 (1) (d) of the statutes is amended to read:

8 49.665 (1) (d) “Family” means a unit that consists of at least one dependent
9 child and his or her ~~eustodial~~ parent or parents, all of whom reside in the same
10 household. “Family” includes the spouse of an individual who is a ~~eustodial~~ parent
11 if the spouse resides in the same household as the individual.

12 **SECTION 1468.** 49.665 (1) (f) of the statutes is created to read:

13 49.665 (1) (f) “State plan” means the state child health plan under 42 USC
14 1397aa (b).

15 **SECTION 1469.** 49.665 (3) of the statutes is amended to read:

16 49.665 (3) ADMINISTRATION. The department shall administer a program to
17 provide the health services and benefits described in s. 49.46 (2) to ~~families~~ persons
18 that meet the eligibility requirements specified in sub. (4). The department shall
19 promulgate rules setting forth the application procedures and appeal and grievance
20 procedures. The department may promulgate rules limiting access to the program
21 under this section to defined enrollment periods. The department may also
22 promulgate rules establishing a method by which the department may purchase
23 family coverage offered by the employer of a member of an eligible family or by a
24 member of a child’s household under circumstances in which the department

1 determines that purchasing that coverage would not be more costly than providing
2 the coverage under this section.

3 **SECTION 1470.** 49.665 (4) (a) 1. of the statutes is amended to read:

4 49.665 (4) (a) 1. The family's income does not exceed 185% of the poverty line,
5 except as provided in par. (at) and except that a family that is already receiving
6 health care coverage under this section may have an income that does not exceed
7 200% of the poverty line. The department shall establish by rule the criteria to be
8 used to determine income.

9 **SECTION 1470d.** 49.665 (4) (a) 3. of the statutes is amended to read:

10 49.665 (4) (a) 3. The family has not had access to employer-subsidized health
11 care coverage within the time period established by the department by rule, but not
12 to exceed 18 months, immediately preceding application for health care coverage
13 under this section. The department may establish exceptions to this ~~subdivision~~
14 time period restriction by rule.

15 **SECTION 1471.** 49.665 (4) (am) of the statutes is created to read:

16 49.665 (4) (am) A child who does not reside with his or her parent is eligible
17 for health care coverage under this section if the child meets all of the following
18 requirements:

19 1. The child's income does not exceed 185% of the poverty line, except as
20 provided in par. (at) and except that a child that is already receiving health care
21 coverage under this section may have an income that does not exceed 200% of the
22 poverty line. The department shall use the criteria established under par. (a) 1. to
23 determine income under this subdivision.

24 2. The child does not have access to employer-subsidized health care coverage.

1 3. The child has not had access to employer–subsidized health care coverage
2 within the time period established by the department under par. (a) 3. The
3 department may establish exceptions to this subdivision.

4 4. The child meets all other requirements established by the department by
5 rule. In establishing other eligibility criteria, the department may not include any
6 health condition requirements.

7 **SECTION 1472.** 49.665 (4) (at) of the statutes is created to read:

8 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
9 establish a lower maximum income level for the initial eligibility determination if
10 funding under s. 20.435 (4) (bc), (jz) and (p) is insufficient to accommodate the
11 projected enrollment levels for the health care program under this section. The
12 adjustment may not be greater than necessary to ensure sufficient funding.

13 b. The department may not lower the maximum income level for initial
14 eligibility unless the department first submits to the joint committee on finance its
15 plans for lowering the maximum income level and the committee approves the plan.
16 If, within 14 days after submitting the plan to the joint committee on finance, the
17 cochairpersons of the committee do not notify the secretary that the committee has
18 scheduled a meeting for the purpose of reviewing the plan, the plan is considered
19 approved by the committee.

20 2. If, after the department has established a lower maximum income level
21 under subd. 1., projections indicate that funding under s. 20.435 (4) (bc), (jz) and (p)
22 is sufficient to raise the level, the department shall, by state plan amendment, raise
23 the maximum income level for initial eligibility, but not to exceed 185% of the poverty
24 line.

1 3. The department may not adjust the maximum income level of 200% of the
2 poverty line for persons already receiving health care coverage under this section.

3 **SECTION 1473.** 49.665 (4) (b) of the statutes is amended to read:

4 49.665 (4) (b) Notwithstanding fulfillment of the eligibility requirements
5 under this subsection, ~~a family~~ no person is ~~not~~ entitled to health care coverage under
6 this section.

7 **SECTION 1474.** 49.665 (4) (c) of the statutes is amended to read:

8 49.665 (4) (c) No ~~family~~ person may be denied health care coverage under this
9 section solely because of a health condition of that person or of any family member
10 of that person.

11 **SECTION 1475.** 49.665 (5) (a) of the statutes is amended to read:

12 49.665 (5) (a) Except as provided in ~~par.~~ pars. (b) and (bm), a family ~~that, or~~
13 child who does not reside with his or her parent, who receives health care coverage
14 under this section shall pay a percentage of the cost of that coverage in accordance
15 with a schedule established by the department by rule. If the schedule established
16 by the department requires a family, or child who does not reside with his or her
17 parent, to contribute more than 3% of the family's or child's income towards the cost
18 of the health care coverage provided under this section, the department shall submit
19 the schedule to the joint committee on finance for review and approval of the
20 schedule. If the cochairpersons of the joint committee on finance do not notify the
21 department within 14 working days after the date of the department's submittal of
22 the schedule that the committee has scheduled a meeting to review the schedule, the
23 department may implement the schedule. If, within 14 days after the date of the
24 department's submittal of the schedule, the cochairpersons of the committee notify
25 the department that the committee has scheduled a meeting to review the schedule,

1 the department may not require a family, or child who does not reside with his or her
2 parent, to contribute more than 3% of the family's or child's income unless the joint
3 committee on finance approves the schedule. The joint committee on finance may not
4 approve and the department may not implement a schedule that requires a family
5 or child to contribute more than 3.5% of the family's or child's income towards the cost
6 of the health care coverage provided under this section.

7 **SECTION 1476.** 49.665 (5) (b) of the statutes is amended to read:

8 49.665 (5) (b) The department may not require a family, or child who does not
9 reside with his or her parent, with an income below ~~143%~~ 150% of the poverty line
10 to contribute to the cost of health care coverage provided under this section.

11 **SECTION 1476d.** 49.665 (5) (bm) of the statutes is created to read:

12 49.665 (5) (bm) If the federal department of health and human services notifies
13 the department of health and family services that Native Americans may not be
14 required to contribute to the cost of the health care coverage provided under this
15 section, the department of health and family services may not require Native
16 Americans to contribute to the cost of health care coverage under this section.

17 **SECTION 1476f.** 49.665 (5m) of the statutes is created to read:

18 49.665 (5m) OUTREACH. The department shall coordinate with the department
19 of public instruction to develop, and beginning on October 1, 1999, or on the effective
20 date of this subsection [revisor inserts date], whichever is later, to implement, an
21 outreach mailing targeted at families of children who are enrolled in the federal
22 school lunch program under 42 USC 1751, et seq., to inform the families of those
23 children about health care coverage under this section and the family's potential
24 eligibility for that coverage.

25 **SECTION 1477.** 49.682 (2) (c) (intro.) of the statutes is amended to read:

1 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
2 (a) by up to ~~\$3,000~~ the amount specified in s. 861.33 (2) if necessary to allow the
3 client's heirs or the beneficiaries of the client's will to retain the following personal
4 property:

5 **SECTION 1478.** 49.682 (2) (c) 3. of the statutes is amended to read:

6 49.682 (2) (c) 3. Other tangible personal property not used in trade, agriculture
7 or other business, not to exceed \$1,000 in value the amount specified in s. 861.33 (1)
8 (a) 4.

9 **SECTION 1479.** 49.682 (2) (e) of the statutes is renumbered 49.682 (2) (e) 1. and
10 amended to read:

11 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
12 and the estate includes an interest in a home, the court exercising probate
13 jurisdiction shall, in the final judgment or summary findings and order, assign the
14 interest in the home subject to a lien in favor of the department for the amount
15 described in par. (a). The personal representative or petitioner for summary
16 settlement or summary assignment of the estate shall record the final judgment as
17 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

18 **SECTION 1480.** 49.682 (2) (e) 2. of the statutes is created to read:

19 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
20 the estate includes an interest in a home and the personal representative closes the
21 estate by sworn statement under s. 865.16, the personal representative shall
22 stipulate in the statement that the home is assigned subject to a lien in favor of the
23 department for the amount described in par. (a). The personal representative shall
24 record the statement in the same manner as described in s. 863.29, as if the
25 statement were a final judgment.

1 **SECTION 1481.** 49.682 (6) of the statutes is created to read:

2 49.682 (6) The department may contract with or employ an attorney to probate
3 estates to recover under this section the costs of care.

4 **SECTION 1482.** 49.683 (2) of the statutes is amended to read:

5 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the
6 appropriation under s. 20.435 ~~(5)~~ (4) (e).

7 **SECTION 1483.** 49.687 (2) of the statutes is amended to read:

8 49.687 (2) The department shall develop and implement a sliding scale of
9 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
10 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to
11 pay for treatment. To ensure that the needs for treatment of patients with lower
12 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (e),
13 the department shall revise the sliding scale for patient liability by January 1, 1994,
14 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the
15 sliding scale.

16 **SECTION 1483t.** 49.775 (1) (a) of the statutes is amended to read:

17 49.775 (1) (a) ~~“Custodial parent” has the meaning given in s. 49.141 (1) (b)~~
18 means, with respect to a dependent child, a parent who is eligible for supplemental
19 security income under 42 USC 1381 to 1383d or for state supplemental payments
20 under s. 49.77, or both, and who resides with a dependent child and, if there has been
21 a determination of legal custody with respect to the dependent child, has legal
22 custody of that child. For the purposes of this paragraph, “legal custody” has the
23 meaning given in s. 767.001 (2) (a).

24 **SECTION 1483u.** 49.775 (1) (b) of the statutes is amended to read:

1 49.775 (1) (b) “Dependent child” ~~has the meaning given in s. 49.141 (1) (e)~~
2 means a person who is the son or daughter of a custodial parent, who resides with
3 that parent and who is under the age of 18 or, if the person is a full-time student at
4 a secondary school or a vocational or technical equivalent and is reasonably expected
5 to complete the program before attaining the age of 19, is under the age of 19.

6 **SECTION 1483v.** 49.775 (1) (c) of the statutes is created to read:

7 49.775 (1) (c) “Grandchild” means a person who is the son or daughter of a
8 custodial parent’s dependent child who resides with the dependent child and, if there
9 has been a determination of legal custody with respect to that person, of whom the
10 dependent child has legal custody. For the purposes of this paragraph, “legal
11 custody” has the meaning given in s. 767.001 (2) (a).

12 **SECTION 1483w.** 49.775 (1) (d) of the statutes is created to read:

13 49.775 (1) (d) “Parent” has the meaning given in s. 49.141 (1) (j).

14 **SECTION 1483x.** 49.775 (2) (intro.) of the statutes is amended to read:

15 49.775 (2) SUPPLEMENTAL PAYMENTS. (intro.) Subject to sub. (3), the department
16 shall make a monthly payment in the amount specified in sub. (4) to a custodial
17 parent for the support of each dependent child of the custodial parent, and for the
18 support of each grandchild, if all of the following conditions are met:

19 **SECTION 1483y.** 49.775 (2) (a) of the statutes is repealed.

20 **SECTION 1483ym.** 49.775 (2) (b) of the statutes is amended to read:

21 49.775 (2) (b) If the dependent child has 2 custodial parents, each custodial
22 parent ~~receives~~ is eligible for supplemental security income under 42 USC 1381 to
23 1383c or for state supplemental payments under s. 49.77, or both.

24 **SECTION 1483z.** 49.775 (2) (c) of the statutes is amended to read:

1 49.775 (2) (c) The dependent child and grandchild, if any, of the eustodian
2 custodial parent meets meet the eligibility criteria under the aid to families with
3 dependent children program under s. 49.19 (1) to (19) or would meet the eligibility
4 criteria under s. 49.19 but for the application of s. 49.19 (20).

5 **SECTION 1483zb.** 49.775 (2) (d) of the statutes is amended to read:

6 49.775 (2) (d) The dependent child or the grandchild does not receive
7 supplemental security income under 42 USC 1381 to 1383d.

8 **SECTION 1484b.** 49.775 (4) of the statutes is renumbered 49.775 (4) (a) and
9 amended to read:

10 49.775 (4) PAYMENT AMOUNT. (a) The payment under sub. (2) is \$100 \$250 per
11 month per for one dependent child and \$150 per month for each additional dependent
12 child and, except as provided in par. (b), \$150 per month for each grandchild.

13 **SECTION 1484c.** 49.775 (4) (b) of the statutes is created to read:

14 49.775 (4) (b) If the custodial parent receives a payment under s. 48.57 (3m)
15 for the care and maintenance of a child, no payment may be made under this section
16 with respect to that child.

17 **SECTION 1486j.** 49.854 (2) (e) of the statutes is created to read:

18 49.854 (2) (e) *Date that support lien docket is operational.* The department
19 shall publish a notice in the Wisconsin Administrative Register that states the date
20 on which the statewide support lien docket is first operational. The department shall
21 publish the notice stating the date as soon as possible after the statewide support lien
22 docket begins operating or, if the department is able to determine with certainty the
23 date on which the statewide support lien docket will begin operating, as soon as
24 possible after the department determines that date.

1 **SECTION 1486k.** 49.854 (2) (e) of the statutes, as created by 1999 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 1487.** 49.855 (7) of the statutes is repealed.

4 **SECTION 1488d.** 49.857 (1) (d) 3. of the statutes is amended to read:

5 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).

6 **SECTION 1488m.** 49.857 (1) (d) 12. of the statutes is amended to read:

7 49.857 (1) (d) 12. A license or certificate of registration issued under s. 138.09,
8 138.12, 217.06, 218.01, 218.02, 218.04, 218.05 ~~or~~, 224.72, 224.93 or subch. III of ch.
9 551.

10 **SECTION 1489.** 49.89 (2) of the statutes is amended to read:

11 49.89 (2) SUBROGATION. The department of health and family services, the
12 department of workforce development, a county or an elected tribal governing body
13 that provides any public assistance under this chapter or under s. 253.05 as a result
14 of the occurrence of an injury, sickness or death that creates a claim or cause of action,
15 whether in tort or contract, on the part of a public assistance recipient or beneficiary
16 or the estate of a recipient or beneficiary against a 3rd party, including an insurer,
17 is subrogated to the rights of the recipient, beneficiary or estate and may make a
18 claim or maintain an action or intervene in a claim or action by the recipient,
19 beneficiary or estate against the 3rd party. Subrogation under this subsection
20 because of the provision of medical assistance under subch. IV constitutes a lien,
21 equal to the amount of the medical assistance provided as a result of the injury,
22 sickness or death that gave rise to the claim. The lien is on any payment resulting
23 from a judgment or settlement that may be due the obligor. A lien under this
24 subsection continues until it is released and discharged by the department of health
25 and family services.

1 **SECTION 1490.** 49.89 (3m) (bm) of the statutes is created to read:

2 49.89 (3m) (bm) A person against whom a claim that is subrogated under sub.
3 (2) or assigned under sub. (3) is made, or that person's attorney or insurer, shall
4 provide notice under par. (c), if that person, attorney or insurer knows, or could
5 reasonably determine, that the claimant is a recipient or former recipient of medical
6 assistance under subch. IV, or is the estate of a former recipient of medical assistance
7 under subch. IV.

8 **SECTION 1491.** 49.89 (7) (c) of the statutes is amended to read:

9 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
10 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.,
11 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
12 the sum recovered, except that the incentive payment for an amount recovered
13 because of benefits paid under s. 49.19 shall be considered an administrative cost
14 under s. 49.19 for the purpose of claiming federal funding.

15 **SECTION 1491m.** 49.96 of the statutes, as affected by 1997 Wisconsin Act 105,
16 section 27g, is amended to read:

17 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
18 dependent children, payments made under ss. 48.57 (3m) ~~or~~, (3n) or (3o), 49.148 (1)
19 (b) 1. or (c) or (1m) or 49.149 to 49.159, payments made for social services, cash
20 benefits paid by counties under s. 59.53 (21), and benefits under s. 49.77 or federal
21 Title XVI, are exempt from every tax, and from execution, garnishment, attachment
22 and every other process and shall be inalienable.

23 **SECTION 1493.** 50.02 (2) (d) of the statutes is created to read:

1 50.02 (2) (d) The department shall promulgate rules that prescribe the time
2 periods and the methods of providing information specified in ss. 50.033 (2r) and (2s),
3 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).

4 **SECTION 1495.** 50.033 (2) of the statutes is amended to read:

5 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
6 and procedures for application for licensure, monitoring, inspection, revocation and
7 appeal of revocation under this section shall be under rules promulgated by the
8 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
9 revoked under this section. Licensure is not transferable. The biennial licensure fee
10 for a licensed adult family home is ~~\$75~~ \$135. The fee is payable to the county
11 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
12 licenses the adult family home under sub. (1m) (b), and is payable to the department,
13 on a schedule determined by the department if the department licenses the adult
14 family home under sub. (1m) (b).

15 **SECTION 1496.** 50.033 (2r) of the statutes is created to read:

16 50.033 (2r) PROVISION OF INFORMATION REQUIRED. Subject to sub. (2t), an adult
17 family home shall, within the time period after inquiry by a prospective resident that
18 is prescribed by the department by rule, inform the prospective resident of the
19 services of a resource center under s. 46.283, the family care benefit under s. 46.286
20 and the availability of a functional and financial screen to determine the prospective
21 resident's eligibility for the family care benefit under s. 46.286 (1).

22 **SECTION 1497.** 50.033 (2s) of the statutes is created to read:

23 50.033 (2s) REQUIRED REFERRAL. Subject to sub. (2t), an adult family home shall,
24 within the time period prescribed by the department by rule, refer to a resource
25 center under s. 46.283 a person who is seeking admission, who is at least 65 years

1 of age or has a physical disability and whose disability or condition is expected to last
2 at least 90 days, unless any of the following applies:

3 (a) For a person who has received a screen for functional eligibility under s.
4 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
5 not include performance of an additional functional screen under s. 46.283 (4) (g).

6 (b) The person is entering the adult family home only for respite care.

7 (c) The person is an enrollee of a care management organization.

8 (d) For a person who seeks admission or is about to be admitted on a private
9 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
10 (g), the referral under this subsection may not include performance of a financial
11 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
12 medical assistance within 6 months.

13 **SECTION 1498.** 50.033 (2t) of the statutes is created to read:

14 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
15 has certified under s. 46.281 (3) that a resource center is available for the adult family
16 home and for specified groups of eligible individuals that include those persons
17 seeking admission to or the residents of the adult family home.

18 **SECTION 1499.** 50.034 (5m) of the statutes is created to read:

19 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), a
20 residential care apartment complex shall, within the time period after inquiry by a
21 prospective resident that is prescribed by the department by rule, inform the
22 prospective resident of the services of a resource center under s. 46.283, the family
23 care benefit under s. 46.286 and the availability of a functional and financial screen
24 to determine the prospective resident's eligibility for the family care benefit under
25 s. 46.286 (1).

1 **SECTION 1500.** 50.034 (5n) of the statutes is created to read:

2 50.034 (5n) **REQUIRED REFERRAL.** Subject to sub. (5p), a residential care
3 apartment complex shall, within the time period prescribed by the department by
4 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
5 who is at least 65 years of age or has a physical disability and whose disability or
6 condition is expected to last at least 90 days, unless any of the following applies:

7 (a) For a person who has received a screen for functional eligibility under s.
8 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
9 not include performance of an additional functional screen under s. 46.283 (4) (g).

10 (b) The person is entering the residential care apartment complex only for
11 respite care.

12 (c) The person is an enrollee of a care management organization.

13 (d) For a person who seeks admission or is about to be admitted on a private
14 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
15 (g), the referral under this subsection may not include performance of a financial
16 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
17 medical assistance within 6 months.

18 **SECTION 1501.** 50.034 (5p) of the statutes is created to read:

19 50.034 (5p) **APPLICABILITY.** Subsections (5m) and (5n) apply only if the secretary
20 has certified under s. 46.281 (3) that a resource center is available for the residential
21 care apartment complex and for specified groups of eligible individuals that include
22 those person seeking admission to or the residents of the residential care apartment
23 complex.

24 **SECTION 1501d.** 50.034 (6) of the statutes is amended to read:

1 50.034 (6) FUNDING. Funding for supportive, personal or nursing services that
2 a person who resides in a residential care apartment complex receives, other than
3 private or 3rd-party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277
4 (5) (e), unless except if the provider of the services is a certified medical assistance
5 provider under s. 49.45 or if the funding is provided as a family care benefit under
6 ss. 46.2805 to 46.2895.

7 **SECTION 1502.** 50.034 (8) of the statutes is created to read:

8 50.034 (8) FORFEITURES. (a) Whoever violates sub. (5m) or (5n) or rules
9 promulgated under sub. (5m) or (5n) may be required to forfeit not more than \$500
10 for each violation.

11 (b) The department may directly assess forfeitures provided for under par. (a).
12 If the department determines that a forfeiture should be assessed for a particular
13 violation, it shall send a notice of assessment to the residential care apartment
14 complex. The notice shall specify the amount of the forfeiture assessed, the violation
15 and the statute or rule alleged to have been violated, and shall inform the residential
16 care apartment complex of the right to a hearing under par. (c).

17 (c) A residential care apartment complex may contest an assessment of a
18 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
19 request for a hearing under s. 227.44 to the division of hearings and appeals created
20 under s. 15.103 (1). The administrator of the division may designate a hearing
21 examiner to preside over the case and recommend a decision to the administrator
22 under s. 227.46. The decision of the administrator of the division shall be the final
23 administrative decision. The division shall commence the hearing within 30 days
24 after receipt of the request for a hearing and shall issue a final decision within 15
25 days after the close of the hearing. Proceedings before the division are governed by

1 ch. 227. In any petition for judicial review of a decision by the division, the party,
2 other than the petitioner, who was in the proceeding before the division shall be the
3 named respondent.

4 (d) All forfeitures shall be paid to the department within 10 days after receipt
5 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days
6 after receipt of the final decision after exhaustion of administrative review, unless
7 the final decision is appealed and the order is stayed by court order. The department
8 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

9 (e) The attorney general may bring an action in the name of the state to collect
10 any forfeiture imposed under this section if the forfeiture has not been paid following
11 the exhaustion of all administrative and judicial reviews. The only issue to be
12 contested in any such action shall be whether the forfeiture has been paid.

13 **SECTION 1503.** 50.035 (4m) of the statutes is created to read:

14 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), a
15 community-based residential facility shall, within the time period after inquiry by
16 a prospective resident that is prescribed by the department by rule, inform the
17 prospective resident of the services of a resource center under s. 46.283, the family
18 care benefit under s. 46.286 and the availability of a functional and financial screen
19 to determine the prospective resident's eligibility for the family care benefit under
20 s. 46.286 (1).

21 **SECTION 1504.** 50.035 (4n) of the statutes is created to read:

22 50.035 (4n) REQUIRED REFERRAL. Subject to sub. (4p), a community-based
23 residential facility shall, within the time period prescribed by the department by
24 rule, refer to a resource center under s. 46.283 a person who is seeking admission,

1 who is at least 65 years of age or has a physical disability and whose disability or
2 condition is expected to last at least 90 days, unless any of the following applies:

3 (a) For a person who has received a screen for functional eligibility under s.
4 46.286 (1) (a) within the previous 6 months, the referral under this subsection need
5 not include performance of an additional functional screen under s. 46.283 (4) (g).

6 (b) The person is entering the community-based residential facility only for
7 respite care.

8 (c) The person is an enrollee of a care management organization.

9 (d) For a person who seeks admission or is about to be admitted on a private
10 pay basis and who waives the requirement for a financial screen under s. 46.283 (4)
11 (g), the referral under this subsection may not include performance of a financial
12 screen under s. 46.283 (4) (g), unless the person is expected to become eligible for
13 medical assistance within 6 months.

14 **SECTION 1505.** 50.035 (4p) of the statutes is created to read:

15 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
16 has certified under s. 46.281 (3) that a resource center is available for the
17 community-based residential facility and for specified groups of eligible individuals
18 that include those persons seeking admission to or the residents of the
19 community-based residential facility.

20 **SECTION 1506.** 50.035 (7) (c) of the statutes is amended to read:

21 50.035 (7) (c) If the date estimated under par. (a) 2. is less than 24 months after
22 the date of the individual's statement of financial condition, the community-based
23 residential facility shall provide the statement to the county department under s.
24 46.215 or 46.22 and shall refer the potential resident to the county department to
25 determine whether an assessment under s. 46.27 (6) should be conducted.

1 **SECTION 1507.** 50.035 (8) of the statutes is repealed.

2 **SECTION 1508.** 50.035 (11) of the statutes is created to read:

3 50.035 (11) FORFEITURES. (a) Whoever violates sub. (4m) or (4n) or rules
4 promulgated under sub. (4m) or (4n) may be required to forfeit not more than \$500
5 for each violation.

6 (b) The department may directly assess forfeitures provided for under par. (a).
7 If the department determines that a forfeiture should be assessed for a particular
8 violation, it shall send a notice of assessment to the community-based residential
9 facility. The notice shall specify the amount of the forfeiture assessed, the violation
10 and the statute or rule alleged to have been violated, and shall inform the licensee
11 of the right to a hearing under par. (c).

12 (c) A community-based residential facility may contest an assessment of a
13 forfeiture by sending, within 10 days after receipt of notice under par. (b), a written
14 request for a hearing under s. 227.44 to the division of hearings and appeals created
15 under s. 15.103 (1). The administrator of the division may designate a hearing
16 examiner to preside over the case and recommend a decision to the administrator
17 under s. 227.46. The decision of the administrator of the division shall be the final
18 administrative decision. The division shall commence the hearing within 30 days
19 after receipt of the request for a hearing and shall issue a final decision within 15
20 days after the close of the hearing. Proceedings before the division are governed by
21 ch. 227. In any petition for judicial review of a decision by the division, the party,
22 other than the petitioner, who was in the proceeding before the division shall be the
23 named respondent.

24 (d) All forfeitures shall be paid to the department within 10 days after receipt
25 of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days

1 after receipt of the final decision after exhaustion of administrative review, unless
2 the final decision is appealed and the order is stayed by court order. The department
3 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

4 (e) The attorney general may bring an action in the name of the state to collect
5 any forfeiture imposed under this section if the forfeiture has not been paid following
6 the exhaustion of all administrative and judicial reviews. The only issue to be
7 contested in any such action shall be whether the forfeiture has been paid.

8 **SECTION 1509.** 50.037 (2) (a) of the statutes is amended to read:

9 50.037 (2) (a) The biennial fee for a community-based residential facility is
10 \$170 ~~\$306~~, plus a biennial fee of \$22 ~~\$39.60~~ per resident, based on the number of
11 residents that the facility is licensed to serve.

12 **SECTION 1510.** 50.04 (2g) of the statutes is created to read:

13 50.04 (2g) PROVISION OF INFORMATION REQUIRED. (a) Subject to sub. (2i), a
14 nursing home shall, within the time period after inquiry by a prospective resident
15 that is prescribed by the department by rule, inform the prospective resident of the
16 services of a resource center under s. 46.283, the family care benefit under s. 46.286
17 and the availability of a functional and financial screen to determine the prospective
18 resident's eligibility for the family care benefit under s. 46.286 (1).

19 (b) Failure to comply with this subsection is a class "C" violation under sub. (4)

20 (b) 3.

21 **SECTION 1511.** 50.04 (2h) of the statutes is created to read:

22 50.04 (2h) REQUIRED REFERRAL. (a) Subject to sub. (2i), a nursing home shall,
23 within the time period prescribed by the department by rule, refer to a resource
24 center under s. 46.283 a person who is seeking admission, who is at least 65 years

1 of age or has developmental disability or physical disability and whose disability or
2 condition is expected to last at least 90 days, unless any of the following applies:

3 1. For a person who has received a screen for functional eligibility under s.
4 46.286 (1) (a) within the previous 6 months, the referral under this paragraph need
5 not include performance of an additional functional screen under s. 46.283 (4) (g).

6 2. The person is seeking admission to the nursing home only for respite care.

7 3. The person is an enrollee of a care management organization.

8 4. For a person who seeks admission or is about to be admitted on a private pay
9 basis and who waives the requirement for a financial screen under s. 46.283 (4) (g),
10 the referral under this subsection may not include performance of a financial screen
11 under s. 46.283 (4) (g), unless the person expected to become eligible for medical
12 assistance within 6 months.

13 (b) Failure to comply with this subsection is a class “C” violation under sub. (4)

14 (b) 3.

15 **SECTION 1512.** 50.04 (2i) of the statutes is created to read:

16 50.04 (2i) APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
17 has certified under s. 46.281 (3) that a resource center is available for the nursing
18 home and for specified groups of eligible individuals that include those persons
19 seeking admission to or the residents of the nursing home.

20 **SECTION 1513.** 50.04 (2m) of the statutes is renumbered 50.04 (2m) (a) and
21 amended to read:

22 50.04 (2m) (a) ~~No~~ Except as provided in par. (b), no nursing home may admit
23 any patient until a physician has completed a plan of care for the patient and the
24 patient is assessed or the patient is exempt from or waives assessment under s. 46.27

1 (6) (a) ~~or 46.271 (2m) (a) 2~~. Failure to comply with this subsection is a class “C”
2 violation under sub. (4) (b) 3.

3 **SECTION 1514.** 50.04 (2m) (b) of the statutes is created to read:

4 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
5 secretary has certified under s. 46.281 (3) that a resource center is available.

6 **SECTION 1515.** 50.06 (7) of the statutes is amended to read:

7 50.06 (7) An individual who consents to an admission under this section may
8 request that an assessment be conducted for the incapacitated individual under the
9 long-term support community options program under s. 46.27 (6) or, if the secretary
10 has certified under s. 46.281 (3) that a resource center is available for the individual,
11 a functional and financial screen to determine eligibility for the family care benefit
12 under s. 46.286 (1). If admission is sought on behalf of the incapacitated individual
13 or if the incapacitated individual is about to be admitted on a private pay basis, the
14 individual who consents to the admission may waive the requirement for a financial
15 screen under s. 46.283 (4) (g), unless the incapacitated individual is expected to
16 become eligible for medical assistance within 6 months.

17 **SECTION 1515m.** 50.065 (1) (c) 2. of the statutes is amended to read:

18 50.065 (1) (c) 2. Kinship care ~~under s. 48.57 (3m)~~ or long-term kinship care
19 under s. 48.57 (3m), (3n) or (3o).

20 **SECTION 1521b.** 50.065 (1) (ag) of the statutes is created to read:

21 50.065 (1) (ag) 1. “Caregiver” means any of the following:

22 a. A person who is, or is expected to be, an employe or contractor of an entity,
23 who is or is expected to be under the control of an entity, as defined by the department
24 by rule, and who has, or is expected to have, regular, direct contact with clients of the
25 entity.

1 b. A person who has, or is seeking, a license, certification, registration, or
2 certificate of approval issued or granted by the department to operate an entity.

3 c. A person who is, or is expected to be, an employe of the board on aging and
4 long-term care and who has, or is expected to have, regular, direct contact with
5 clients.

6 2. “Caregiver” does not include a person who is certified as an emergency
7 medical technician under s. 146.50 if the person is employed, or seeking employment,
8 as an emergency medical technician.

9 **SECTION 1521c.** 50.065 (1) (bm) of the statutes is created to read:

10 50.065 (1) (bm) “Contractor” means, with respect to an entity, a person, or that
11 person’s agent, who provides services to the entity under an express or implied
12 contract or subcontract, including a person who has staff privileges at the entity.

13 **SECTION 1521cm.** 50.065 (1) (br) of the statutes is created to read:

14 50.065 (1) (br) “Direct contact” means face-to-face physical proximity to a
15 client that affords the opportunity to commit abuse or neglect of a client or to
16 misappropriate the property of a client.

17 **SECTION 1521d.** 50.065 (1) (c) (intro.) of the statutes is amended to read:

18 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is
19 licensed or certified by or registered with the department to provide direct care or
20 treatment services to clients. “Entity” includes a hospital, a personal care worker
21 agency ~~and~~, a supportive home care service agency, a temporary employment agency
22 that provides caregivers to another entity and the board on aging and long-term
23 care. “Entity” does not include any of the following:

24 **SECTION 1521e.** 50.065 (1) (cn) of the statutes is created to read:

1 50.065 (1) (cn) “Nonclient resident” means a person who resides, or is expected
2 to reside, at an entity, who is not a client of the entity and who has, or is expected to
3 have, regular, direct contact with clients of the entity.

4 **SECTION 1521em.** 50.065 (1) (dm) of the statutes is created to read:

5 50.065 (1) (dm) “Reservation” means land in this state within the boundaries
6 of a reservation of a tribe or within the bureau of Indian affairs service area for the
7 Ho-Chunk Nation.

8 **SECTION 1521f.** 50.065 (1) (e) of the statutes is repealed and recreated to read:

9 50.065 (1) (e) 1. “Serious crime” means a violation of s. 940.01, 940.02, 940.03,
10 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3), 940.225 (1), (2) or (3),
11 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2) (a), or a violation of the
12 law of any other state or United States jurisdiction that would be a violation of s.
13 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5) or (6), 940.22 (2) or (3),
14 940.225 (1), (2) or (3), 940.285 (2), 940.29, 940.295, 948.02 (1), 948.025 or 948.03 (2)
15 (a) if committed in this state.

16 2. For the purposes of an entity that serves persons under the age of 18, “serious
17 crime” includes a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055,
18 948.06, 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 or
19 a violation of the law of any other state or United States jurisdiction that would be
20 a violation of s. 948.02 (2), 948.03 (2) (b) or (c), 948.05, 948.055, 948.06, 948.07,
21 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1) or 948.30 if committed in this
22 state.

23 **SECTION 1521fm.** 50.065 (1) (g) of the statutes is created to read:

24 50.065 (1) (g) “Tribe” means a federally recognized American Indian tribe or
25 band in this state.

1 **SECTION 1521g.** 50.065 (2) (a) (intro.) of the statutes is renumbered 50.065 (4m)
2 (a) (intro.).

3 **SECTION 1521h.** 50.065 (2) (a) 1. of the statutes is renumbered 50.065 (4m) (a)
4 1.

5 **SECTION 1521i.** 50.065 (2) (a) 2. of the statutes is repealed.

6 **SECTION 1521j.** 50.065 (2) (a) 3. of the statutes is renumbered 50.065 (4m) (a)
7 3.

8 **SECTION 1521k.** 50.065 (2) (a) 4. of the statutes is renumbered 50.065 (4m) (a)
9 4.

10 **SECTION 1521L.** 50.065 (2) (a) 5. of the statutes is renumbered 50.065 (4m) (a)
11 5.

12 **SECTION 1521m.** 50.065 (2) (ag) (intro.) of the statutes is renumbered 50.065
13 (4m) (b) (intro.) and amended to read:

14 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
15 sub. (5), an entity may not hire or contract with a ~~person who will be under the~~
16 ~~entity's control, as defined by the department by rule, and who is expected to have~~
17 ~~access to its clients, caregiver~~ or permit to reside at the entity a ~~person who is not a~~
18 ~~client and who is expected to have access to a client~~ nonclient resident, if the entity
19 knows or should have known any of the following:

20 **SECTION 1521n.** 50.065 (2) (ag) 1. of the statutes is renumbered 50.065 (4m)
21 (b) 1.

22 **SECTION 1521p.** 50.065 (2) (ag) 2. of the statutes is repealed.

23 **SECTION 1521q.** 50.065 (2) (ag) 3. of the statutes is renumbered 50.065 (4m) (b)
24 3.

1 **SECTION 1521r.** 50.065 (2) (ag) 4. of the statutes is renumbered 50.065 (4m) (b)

2 4.

3 **SECTION 1521s.** 50.065 (2) (ag) 5. of the statutes is renumbered 50.065 (4m) (b)

4 5.

5 **SECTION 1521t.** 50.065 (2) (am) (intro.) of the statutes is amended to read:

6 50.065 (2) (am) (intro.) ~~Subject to subd. 5. and par. (bd), the~~ The department
7 shall obtain all of the following with respect to a person specified under ~~par. (a)~~
8 ~~(intro.) sub. (1) (ag) 1. b.~~ and a person specified under ~~par. (ag) (intro.)~~ who is a
9 nonclient resident or prospective nonclient resident of an entity:

10 **SECTION 1521u.** 50.065 (2) (am) 5. of the statutes is amended to read:

11 50.065 (2) (am) 5. Information maintained by the department under this
12 section regarding any denial to the person of a license, certification, certificate of
13 approval or registration or of a continuation of a license, certification, certificate of
14 approval or registration to operate an entity for a reason specified in ~~par. sub. (4m)~~
15 (a) 1. to 5. and regarding any denial to the person of employment at, a contract with
16 or permission to reside at an entity for a reason specified in ~~par. (ag) sub. (4m) (b) 1.~~
17 to 5. If the information obtained under this subdivision indicates that the person has
18 been denied a license, certification, certificate of approval or registration,
19 continuation of a license, certification, certificate of approval or registration, a
20 contract, employment or permission to reside as described in this subdivision, the
21 department need not obtain the information specified in subds. 1. to 4.

22 **SECTION 1521v.** 50.065 (2) (b) 1. of the statutes is renumbered 50.065 (2) (b),
23 and 50.065 (2) (b) (intro.) and 5., as renumbered, are amended to read:

24 50.065 (2) (b) (intro.) ~~Subject to subds. 1. e. and 2. and par. (bd), every~~ Every
25 entity shall obtain all of the following with respect to a person specified under ~~par.~~

1 ~~(ag) (intro.) who is an employe or contractor or a prospective employe or contractor~~
2 caregiver of the entity:

3 5. Information maintained by the department under this section regarding any
4 denial to the person of a license, certification, certificate of approval or registration
5 or of a continuation of a license, certification, certificate of approval or registration
6 to operate an entity for a reason specified in ~~par. sub. (4m)~~ (a) 1. to 5. and regarding
7 any denial to the person of employment at, a contract with or permission to reside
8 at an entity for a reason specified in ~~par. (ag) sub. (4m)~~ (b) 1. to 5. If the information
9 obtained under this ~~subd. 1. e. subdivision~~ indicates that the person has been denied
10 a license, certification, certificate of approval or registration, continuation of a
11 license, certification, certificate of approval or registration, a contract, employment
12 or permission to reside as described in this ~~subd. 1. e. subdivision~~, the entity need
13 not obtain the information specified in ~~subd. subds. 1. a. to d. to 4.~~

14 **SECTION 1521w.** 50.065 (2) (b) 2. of the statutes is repealed.

15 **SECTION 1521xd.** 50.065 (2) (bb) of the statutes is created to read:

16 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
17 of a serious crime, but does not completely and clearly indicate the final disposition
18 of the charge, the department or entity shall make every reasonable effort to contact
19 the clerk of courts to determine the final disposition of the charge. If a background
20 information form under sub. (6) (a) or (am) indicates a charge or a conviction of a
21 serious crime, but information obtained under par. (am) or (b) does not indicate such
22 a charge or conviction, the department or entity shall make every reasonable effort
23 to contact the clerk of courts to obtain a copy of the criminal complaint and the final
24 disposition of the complaint. If information obtained under par. (am) or (b), a
25 background information form under sub. (6) (a) or (am) or any other information

1 indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08,
2 947.01 or 947.013 obtained not more than 5 years before the date on which that
3 information was obtained, the department or entity shall make every reasonable
4 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
5 judgment of conviction relating to that violation.

6 **SECTION 1521y.** 50.065 (2) (bd) of the statutes is amended to read:

7 50.065 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department is not
8 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
9 required to obtain the information specified in par. (b) 1. ~~a. to e.~~ to 5., with respect
10 to a person under 18 years of age whose background information form under sub. (6)
11 (am) indicates that the person is not ineligible to be employed, contracted with or
12 permitted to reside at an entity for a reason specified in ~~par. (ag)~~ sub. (4m) (b) 1. to
13 5. and with respect to whom the department or entity otherwise has no reason to
14 believe that the person is ineligible to be employed, contracted with or permitted to
15 reside at an entity for any of those reasons. This paragraph does not preclude the
16 department from obtaining, at its discretion, the information specified in par. (am)
17 1. to 5. with respect to a person described in this paragraph who is a nonclient
18 resident or a prospective nonclient resident of an entity.

19 **SECTION 1521z.** 50.065 (2) (bg) of the statutes is amended to read:

20 50.065 (2) (bg) If an entity ~~takes an action specified in par. (ag) (intro.) with~~
21 ~~respect to an employe, prospective employe, contractor or prospective contractor~~
22 hires or contracts with a caregiver for whom, within the last 4 years, the information
23 required under par. (b) 1. ~~a. to e.~~ 3. and e. 5. has already been obtained, ~~either by~~
24 another entity ~~or by a temporary employment agency~~, the entity may obtain the that
25 information ~~required under par. (b) 1. a. to e. and e.~~ from that other entity ~~or~~

1 ~~temporary employment agency~~, which shall provide the information, if possible, to
2 the requesting entity. If an entity cannot obtain the information required under par.
3 (b) 1. ~~a. to e. 3.~~ and ~~e. 5.~~ from another entity ~~or from a temporary employment agency~~
4 or if an entity has reasonable grounds to believe that any information obtained from
5 another entity ~~or from a temporary employment agency~~ is no longer accurate, the
6 entity shall obtain that information from the sources specified in par. (b) 1. ~~a. to 3.~~
7 and ~~e. 5.~~

8 **SECTION 1521zb.** 50.065 (2) (bm) of the statutes is amended to read:

9 50.065 (2) (bm) If the person who is the subject of the search under par. (am)
10 or (b) ~~1.~~ is not a resident of this state, or if at any time within the 3 years preceding
11 the date of the search that person has not been a resident of this state, or if the
12 department or entity determines that the person's employment, licensing or state
13 court records provide a reasonable basis for further investigation, the department or
14 entity shall make a good faith effort to obtain from any state or other United States
15 jurisdiction in which the person is a resident or was a resident within the 3 years
16 preceding the date of the search information that is equivalent to the information
17 specified in par. (am) 1. or (b) 1. ~~a.~~ The department or entity may require the person
18 to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
19 fingerprints. The department of justice may provide for the submission of the
20 fingerprint cards to the federal bureau of investigation for the purposes of verifying
21 the identity of the person fingerprinted and obtaining records of his or her criminal
22 arrests and convictions.

23 **SECTION 1521zc.** 50.065 (2) (c) of the statutes is renumbered 50.065 (4m) (c)
24 and amended to read:

1 50.065 (4m) (c) If the background information form completed by a person
2 under sub. (6) (am) indicates that the person is not ineligible to be employed or
3 contracted with for a reason specified in par. ~~(ag)~~ (b) 1. to 5., an entity may employ
4 or contract with the person for not more than 60 days pending the receipt of the
5 information sought under ~~par. sub. (2)~~ (b) 1. If the background information form
6 completed by a person under sub. (6) (am) indicates that the person is not ineligible
7 to be permitted to reside at an entity for a reason specified in par. ~~(ag)~~ (b) 1. to 5. and
8 if an entity otherwise has no reason to believe that the person is ineligible to be
9 permitted to reside at an entity for any of those reasons, the entity may permit the
10 person to reside at the entity for not more than 60 days pending receipt of the
11 information sought under ~~par. sub. (2)~~ (am). An entity shall provide supervision for
12 a person who is employed or contracted with or permitted to reside as permitted
13 under this paragraph.

14 **SECTION 1521zd.** 50.065 (2) (d) of the statutes is created to read:

15 50.065 (2) (d) Every entity shall maintain, or shall contract with another
16 person to maintain, the most recent background information obtained on a caregiver
17 under par. (b). The information shall be made available for inspection by authorized
18 persons, as defined by the department by rule.

19 **SECTION 1521ze.** 50.065 (3) (a) of the statutes is amended to read:

20 50.065 (3) (a) Every 4 years or at any time within that period that the
21 department considers appropriate, the department shall request the information
22 specified in sub. (2) (am) 1. to ~~4~~ 5. for all persons who are licensed to operate an entity
23 and for all persons ~~specified in par. (ag) (intro.)~~ who are nonclient residents of an
24 entity.

25 **SECTION 1521zf.** 50.065 (3) (b) of the statutes is amended to read:

1 50.065 (3) (b) Every 4 years or at any other time within that period that an
2 entity considers appropriate, the entity shall request the information specified in
3 sub. (2) (b) 1. ~~a. to d.~~ 5. for all ~~persons specified in sub. (2) (ag) (intro.) who are~~
4 ~~employees or contractors~~ caregivers of the entity.

5 **SECTION 1521zg.** 50.065 (3m) of the statutes is amended to read:

6 50.065 (3m) Notwithstanding subs. (2) (b) ~~1.~~ and (3) (b), if the department
7 obtains the information required under sub. (2) (am) or (3) (a) with respect to a person
8 ~~specified in sub. (2) (a) (intro.) who is a caregiver specified under sub. (1) (ag) 1. b.~~
9 and that person is also an employe, contractor or nonclient resident of the entity, the
10 entity is not required to obtain the information specified in sub. (2) (b) ~~1.~~ or (3) (b)
11 with respect to that person.

12 **SECTION 1521zh.** 50.065 (4) of the statutes is amended to read:

13 50.065 (4) An entity that violates sub. (2) ~~or~~ (3) or (4m) (b) may be required to
14 forfeit not more than \$1,000 and may be subject to other sanctions specified by the
15 department by rule.

16 **SECTION 1521zi.** 50.065 (4m) (b) (intro.) of the statutes, as affected by 1999
17 Wisconsin Act ... (this act), is amended to read:

18 50.065 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
19 sub. (5), an entity may not ~~hire~~ employ or contract with a caregiver or permit to reside
20 at the entity a nonclient resident, if the entity knows or should have known any of
21 the following:

22 **SECTION 1521zj.** 50.065 (5) (intro.) of the statutes is renumbered 50.065 (5) and
23 amended to read:

24 50.065 (5) The department may license, certify, issue a certificate of approval
25 to or register to operate an entity a person who otherwise may not be licensed,

1 certified, issued a certificate of approval or registered for a reason specified in sub.
2 ~~(2) (4m)~~ (a) 1. to 5. , and an entity may employ, contract with or permit to reside at
3 the entity a person who otherwise may not be employed, contracted with or permitted
4 to reside at the entity for a reason specified in sub. ~~(2) (ag)~~ (4m) (b) 1. to 5., if the
5 person demonstrates to the department, or, in the case of an entity that is located
6 within the boundaries of a reservation, to the person or body designated by the tribe
7 under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with
8 procedures established by the department by rule, or by the tribe, that he or she has
9 been rehabilitated. ~~No person who has been convicted of any of the following offenses~~
10 ~~may be permitted to demonstrate that he or she has been rehabilitated:~~

11 **SECTION 1521zk.** 50.065 (5) (a) to (e) of the statutes are repealed.

12 **SECTION 1521zL.** 50.065 (5d) of the statutes is created to read:

13 50.065 (5d) (a) Any tribe that chooses to conduct rehabilitation reviews under
14 sub. (5) shall submit to the department a rehabilitation review plan that includes all
15 of the following:

- 16 1. The criteria to be used to determine if a person has been rehabilitated.
- 17 2. The title of the person or body designated by the tribe to whom a request for
18 review must be made.
- 19 3. The title of the person or body designated by the tribe to determine whether
20 a person has been rehabilitated.
- 21 3m. The title of the person or body designated by the tribe to whom a person
22 may appeal an adverse decision made by the person specified under subd. 3. and
23 whether the tribe provides any further rights of appeal.

1 4. The manner in which the tribe will submit information relating to a
2 rehabilitation review to the department so that the department may include that
3 information in its report to the legislature required under sub. (5g).

4 5. A copy of the form to be used to request a review and a copy of the form on
5 which a written decision is to be made regarding whether a person has demonstrated
6 rehabilitation.

7 (b) If, within 90 days after receiving the plan, the department does not
8 disapprove the plan, the plan shall be considered approved. If, within 90 days after
9 receiving the plan, the department disapproves the plan, the department shall
10 provide notice of that disapproval to the tribe in writing, together with the reasons
11 for the disapproval. The department may not disapprove a plan unless the
12 department finds that the plan is not rationally related to the protection of clients.
13 If the department disapproves the plan, the tribe may, within 30 days after receiving
14 notice of the disapproval, request that the secretary review the department's
15 decision. A final decision under this paragraph is not subject to further review under
16 ch. 227.

17 **SECTION 1521zm.** 50.065 (5m) of the statutes is amended to read:

18 50.065 (5m) Notwithstanding s. 111.335, the department may refuse to license,
19 certify or register, or issue a certificate of approval to, a ~~person to operate an entity,~~
20 caregiver and an entity may refuse to employ, or contract with a caregiver or to
21 permit a nonclient resident to reside at the entity ~~a person specified in sub. (2) (ag)~~
22 ~~(intro.), if the person caregiver or nonclient resident~~ has been convicted of an offense
23 ~~that the department has not defined as a "serious crime" by rule promulgated under~~
24 ~~sub. (7)(a), or specified in the list established by rule under sub. (7)(b)~~ is not a serious

1 crime, but that is, in the estimation of the department or entity, substantially related
2 to the care of a client.

3 **SECTION 1521zn.** 50.065 (6) (am) (intro.) of the statutes is renumbered 50.065
4 (6) (am) and amended to read:

5 50.065 (6) (am) Every 4 years an entity shall require ~~all of the following persons~~
6 its caregivers and nonclient residents to complete a background information form
7 that is provided to the entity by the department.

8 **SECTION 1521zp.** 50.065 (6) (am) 1. and 2. of the statutes are repealed.

9 **SECTION 1521zq.** 50.065 (6) (b) of the statutes is amended to read:

10 50.065 (6) (b) For ~~persons specified under par. (a)~~ caregivers who are licensed,
11 issued a certificate of approval or certified by, or registered with, the department, for
12 ~~person specified in par. (am) 2.~~ nonclient residents, and for other persons specified
13 by the department by rule, the entity shall send the background information form
14 to the department. ~~For persons specified under par. (am) 1., the entity shall maintain~~
15 ~~the background information form on file for inspection by the department.~~

16 **SECTION 1521zr.** 50.065 (7) (a) and (b) of the statutes are repealed.

17 **SECTION 1522.** 50.065 (8) of the statutes is amended to read:

18 50.065 (8) The department may charge a fee for obtaining the information
19 required under sub. (2) (am) or (3) (a) or for providing information to an entity to
20 enable the entity to comply with sub. (2) (b) or (3) (b). The fee may not exceed the
21 reasonable cost of obtaining the information. No fee may be charged to a nurse's
22 assistant, as defined in s. 146.40 (1) (d), for obtaining or maintaining the information
23 if to do so would be inconsistent with federal law.

24 **SECTION 1522w.** 50.135 (1) of the statutes is amended to read:

1 50.135 (1) DEFINITION. In this section, “inpatient health care facility” means
2 any hospital, nursing home, county home, county mental hospital, ~~tuberculosis~~
3 ~~sanatorium~~ or other place licensed or approved by the department under ss. 49.70,
4 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, and 51.09, ~~58.06, 252.073 and 252.076~~, but
5 does not include community-based residential facilities.

6 **SECTION 1524.** 50.135 (2) (c) of the statutes is amended to read:

7 50.135 (2) (c) The fees collected under par. (a) shall be credited to the
8 appropriations under s. 20.435 ~~(1)~~ (4) (gm) and (6) (jm) as specified in those
9 appropriations for licensing, review and certifying activities.

10 **SECTION 1525.** 50.36 (2) (c) of the statutes is created to read:

11 50.36 (2) (c) The department shall promulgate rules that require that a
12 hospital, before discharging a patient who is aged 65 or older or who has
13 developmental disability or physical disability and whose disability or condition
14 requires long-term care that is expected to last at least 90 days, refer the patient to
15 the resource center under s. 46.283. The rules shall specify that this requirement
16 applies only if the secretary has certified under s. 46.281 (3) that a resource center
17 is available for the hospital and for specified groups of eligible individuals that
18 include persons seeking admission to or patients of the hospital.

19 **SECTION 1526.** 50.38 of the statutes is created to read:

20 **50.38 Forfeitures.** (1) Whoever violates rules promulgated under s. 50.36 (2)
21 (c) may be required to forfeit not more than \$500 for each violation.

22 (2) The department may directly assess forfeitures provided for under sub. (1).
23 If the department determines that a forfeiture should be assessed for a particular
24 violation, the department shall send a notice of assessment to the hospital. The
25 notice shall specify the amount of the forfeiture assessed, the violation and the

1 statute or rule alleged to have been violated, and shall inform the hospital of the right
2 to a hearing under sub. (3).

3 (3) A hospital may contest an assessment of a forfeiture by sending, within 10
4 days after receipt of notice under sub. (2), a written request for a hearing under s.
5 227.44 to the division of hearings and appeals created under s. 15.103 (1). The
6 administrator of the division may designate a hearing examiner to preside over the
7 case and recommend a decision to the administrator under s. 227.46. The decision
8 of the administrator of the division shall be the final administrative decision. The
9 division shall commence the hearing within 30 days after receipt of the request for
10 a hearing and shall issue a final decision within 15 days after the close of the hearing.
11 Proceedings before the division are governed by ch. 227. In any petition for judicial
12 review of a decision by the division, the party, other than the petitioner, who was in
13 the proceeding before the division shall be the named respondent.

14 (4) All forfeitures shall be paid to the department within 10 days after receipt
15 of notice of assessment or, if the forfeiture is contested under sub. (3), within 10 days
16 after receipt of the final decision after exhaustion of administrative review, unless
17 the final decision is appealed and the order is stayed by court order. The department
18 shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

19 (5) The attorney general may bring an action in the name of the state to collect
20 any forfeiture imposed under this section if the forfeiture has not been paid following
21 the exhaustion of all administrative and judicial reviews. The only issue to be
22 contested in any such action shall be whether the forfeiture has been paid.

23 **SECTION 1526g.** 50.39 (2) of the statutes is amended to read:

24 50.39 (2) The use of the title “hospital” to represent or identify any facility
25 which does not meet the definition of a “hospital” as provided herein or is not subject

CCC (2)

WPO please strike period
1 to approval under ss. 50.32 to 50.39 is prohibited, except that institutions governed
2 by ~~ss. s. 51.09 and 252.073~~ are exempt.

3 SECTION 1526h. 50.39 (3) of the statutes is amended to read:

4 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
5 ~~58.06, 252.073, 252.076~~ and 252.10, secured correctional facilities as defined in s.
6 938.02 (15m), correctional institutions governed by the department of corrections
7 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
8 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
9 not abridge the rights of the medical examining board, physical therapists affiliated
10 credentialing board, podiatrists affiliated credentialing board, dentistry examining
11 board, pharmacy examining board, chiropractic examining board and board of
12 nursing in carrying out their statutory duties and responsibilities.

13 SECTION 1529. 50.49 (2) (b) of the statutes is amended to read:

14 50.49 (2) (b) The department shall, by rule, set a license fee to be paid by home
15 health agencies. ~~The fee shall be based on the annual net income, as determined by~~
16 ~~the department, of a home health agency.~~

17 SECTION 1530. 50.49 (4) of the statutes is amended to read:

18 50.49 (4) LICENSING, INSPECTION AND REGULATION. The Except as provided in sub.
19 (6m), the department may register, license, inspect and regulate home health
20 agencies as provided in this section. The department shall ensure, in its inspections
21 of home health agencies, that a sampling of records from private pay patients are
22 reviewed. The department shall select the patients who shall receive home visits as
23 a part of the inspection. Results of the inspections shall be made available to the
24 public at each of the regional offices of the department.

25 SECTION 1531. 50.49 (6m) of the statutes is created to read:

1 50.49 **(6m)** EXCEPTIONS. None of the following is required to be licensed as a
2 home health agency under sub. (4), regardless of whether any of the following
3 provides services that are similar to services provided by a home health agency:

4 (a) A care management organization, as defined in s. 46.2805 (1).

5 (b) A program specified in s. 46.2805 (1) (a).

6 (c) A demonstration program specified in s. 46.2805 (1) (b).

7 **SECTION 1532d.** 51.01 (14k) of the statutes is created to read:

8 51.01 **(14k)** “Secured child caring institution” has the meaning given in s.
9 938.02 (15g).

10 **SECTION 1533d.** 51.01 (14m) of the statutes is created to read:

11 51.01 **(14m)** “Secured correctional facility” has the meaning given in s. 938.02
12 (15m).

13 **SECTION 1534d.** 51.01 (14p) of the statutes is created to read:

14 51.01 **(14p)** “Secured group home” has the meaning given in s. 938.02 (15p).

15 **SECTION 1531r.** 50.94 of the statutes is created to read:

16 **50.94 Admission to and care in a hospice for certain incapacitated**
17 **persons. (1)** In this section:

18 (a) “Hospice care” means palliative care, respite care, short-term care or
19 supportive care.

20 (b) “Incapacitated” means unable to receive and evaluate information
21 effectively or to communicate decisions to such an extent that a person lacks the
22 capacity to manage his or her health care decisions.

23 (c) “Physician” means a person licensed to practice medicine and surgery under
24 ch. 448.

1 (d) “Terminal condition” means an incurable condition caused by injury, disease
2 or illness that according to reasonable medical judgment will produce death within
3 6 months, even with available life-sustaining treatment provided in accordance with
4 the prevailing standard of medical care.

5 (2) A person who is determined to be incapacitated under the requirements of
6 sub. (8), does not have a valid living will or valid power of attorney for health care
7 and has not been adjudicated incompetent under ch. 880 may be admitted to a
8 hospice under this section only if all of the following requirements are met:

9 (a) An individual who is specified in sub. (3) signs all of the following:

10 1. On behalf of the person who is incapacitated, an informed consent for the
11 receipt of hospice care by the person who is incapacitated.

12 2. A statement certifying that it is his or her belief, to the best of his or her
13 knowledge, that, if able to do so, the person who is incapacitated would have selected
14 hospice care.

15 (b) A physician certifies that the person who is incapacitated has a terminal
16 condition and that the physician believes that the individual under par. (a) is acting
17 in accordance with the views or beliefs of the person who is incapacitated.

18 (3) The following individuals, in the following order of priority, may act under
19 sub. (2) (a):

20 (a) The spouse of the person who is incapacitated.

21 (b) An adult child of the person who is incapacitated.

22 (c) A parent of the person who is incapacitated.

23 (d) An adult sibling of the person who is incapacitated.

24 (e) A close friend or a relative of the person who is incapacitated, other than as
25 specified in pars. (a) to (d), to whom all of the following apply:

1 1. The close friend or other relative is aged at least 18 and has maintained
2 sufficient regular contact with the person who is incapacitated to be familiar with the
3 person's activities, health and beliefs.

4 2. The close friend or other relative has exhibited special care and concern for
5 the incapacitated person.

6 (4) The individual who acts under sub. (2) (a) may make all health care
7 decisions related to receipt of hospice care by the person who is incapacitated.

8 (5) The person who is incapacitated or the individual under sub. (4) may object
9 to or revoke the election of hospice care at any time.

10 (6) A person who disagrees with a hospice decision made under this section may
11 apply under ch. 880 for temporary guardianship of the person who is incapacitated.
12 In applying for the temporary guardianship, such a person has the burden of proving
13 that the person who is incapacitated would not have consented to admission to a
14 hospice or hospice care.

15 (7) The individual who acts under sub. (2) (a) shall, if feasible, provide to all
16 other individuals listed under sub. (3) notice of the proposed admission of the person
17 who is incapacitated to a hospice and of the right to apply for temporary
18 guardianship under sub. (6). If it is not feasible for the individual to provide this
19 notice before admission of the person who is incapacitated to a hospice, the individual
20 who acts under sub. (2) (a) shall exercise reasonable diligence in providing the notice
21 within 48 hours after the admission.

22 (8) A determination that a person is incapacitated may be made only by 2
23 physicians or by one physician and one licensed psychologist, as defined in s. 455.01
24 (4), who personally examine the person and sign a statement specifying that the
25 person is incapacitated. Mere old age, eccentricity or physical disabilities, singly or

1 together, are insufficient to determine that a person is incapacitated. Whoever
2 determines that the person is incapacitated may not be a relative, as defined in s.
3 242.01 (11), of the person or have knowledge that he or she is entitled to or has claim
4 on any portion of the person's estate. A copy of the statement shall be included in the
5 records of the incapacitated person in the hospice to which he or she is admitted.

6 **SECTION 1531g.** 50.498 (1) (intro.) of the statutes is amended to read:

7 50.498 (1) (intro.) The Except as provided in sub. (1m), the department shall
8 require each applicant to provide the department with his or her social security
9 number, if the applicant is an individual, or the applicant's federal employer
10 identification number, if the applicant is not an individual, as a condition of issuing
11 any of the following:

12 **SECTION 1531h.** 50.498 (1m) of the statutes is created to read:

13 50.498 (1m) If an individual who applies for a certificate of approval, license
14 or provisional license under sub. (1) does not have a social security number, the
15 individual, as a condition of obtaining the certificate of approval, license or
16 provisional license, shall submit a statement made or subscribed under oath or
17 affirmation to the department that the applicant does not have a social security
18 number. The form of the statement shall be prescribed by the department of
19 workforce development. A certificate of approval, license or provisional license
20 issued in reliance upon a false statement submitted under this subsection is invalid.

21 **SECTION 1531i.** 50.498 (3) of the statutes is amended to read:

22 50.498 (3) The Except as provided in sub. (1m), the department shall deny an
23 application for the issuance of a certificate of approval, license or provisional license
24 specified in sub. (1) if the applicant does not provide the information specified in sub.
25 (1).