

1 *~~-0028/6.44~~* SECTION 1094. 46.27 (11) (c) 3. of the statutes is amended to read:

2 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
3 private nonprofit agency or an aging unit with which the department contracts
4 provides under this subsection shall be made from the appropriations under s. 20.435
5 ~~(5)~~ (4) (o) and (7) (b) and (bd).

6 *~~-0028/6.45~~* SECTION 1095. 46.27 (11) (c) 4. of the statutes is amended to read:

7 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435
8 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by
9 counties that are in excess of the current average annual per person rate, as
10 established by the department, and are less than or equal to the average amount
11 approved in the waiver received under par. (am).

12 *~~-0327/1.2~~* SECTION 1096. 46.27 (11) (c) 5n. a. of the statutes is amended to
13 read:

14 46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the
15 person prior to the person's admission to the community-based residential facility,
16 whether or not the person is a private pay admittee at the time of admission. The
17 county may waive this condition in accordance with guidelines established by the
18 department. If the county waives this condition, the county must meet with the
19 person or the person's guardian to discuss the cost-effectiveness of various service
20 options.

21 *~~-0030/P4.53~~* SECTION 1097. 46.271 (2m) of the statutes is repealed.

22 *~~-0028/6.46~~* SECTION 1098. 46.275 (5) (a) of the statutes is amended to read:

23 46.275 (5) (a) Medical assistance reimbursement for services a county, or the
24 department under sub. (3r), provides under this program is available from the
25 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract

1 to provide services under this program and the department approves the contract,
2 medical assistance reimbursement is also available for services provided jointly by
3 these counties.

4 ***-0028/6.47* SECTION 1099.** 46.275 (5) (c) of the statutes is amended to read:

5 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties
6 and to the department under sub. (3r) for services provided under this section may
7 not exceed the amount approved by the federal department of health and human
8 services. A county may use funds received under this section only to provide services
9 to persons who meet the requirements under sub. (4) and may not use unexpended
10 funds received under this section to serve other developmentally disabled persons
11 residing in the county.

12 ***-0028/6.48* SECTION 1100.** 46.275 (5) (d) of the statutes is amended to read:

13 46.275 (5) (d) The department may, from the appropriation under s. 20.435 ~~(5)~~
14 (4) (o), provide reimbursement for services provided under this section by counties
15 that are in excess of the current average annual per person rate, as established by
16 the department, and are less than the average amount approved in the waiver
17 received under sub. (2).

18 ***-0327/1.3* SECTION 1101.** 46.277 (5) (d) 1n. a. of the statutes is amended to
19 read:

20 46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for
21 the person prior to the person's admission to the community-based residential
22 facility, whether or not the person is a private pay admittee at the time of admission.
23 The county may waive this condition in accordance with guidelines established by
24 the department. If the county waives this condition, the county must meet with the

1 person or the person's guardian to discuss the cost-effectiveness of various service
2 options.

3 ***-0028/6.49*** SECTION 1102. 46.278 (6) (d) of the statutes is amended to read:

4 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
5 share of service costs under the waiver received under sub. (3), the department may,
6 from the appropriation under s. 20.435 ~~(5)~~ (4) (o), provide reimbursement for services
7 that the county provides under this section to persons who are in addition to those
8 who may be served under this section with funds from the appropriation under s.
9 20.435 ~~(5)~~ (4) (b).

10 ***-0316/1.1*** SECTION 1103. 46.278 (6) (e) of the statutes is renumbered 46.278

11 (6) (e) 1. (intro.) and amended to read:

12 46.278 (6) (e) 1. (intro.) The department may provide enhanced reimbursement
13 for services under the program for an individual who was relocated to the community
14 by a county department from ~~an~~ one of the following:

15 a. An intermediate care facility for the mentally retarded that closes under s.
16 50.03 (14).

17 2. The enhanced reimbursement rate under this paragraph shall be
18 determined under a formula that is developed by the department.

19 ***-0316/1.2*** SECTION 1104. 46.278 (6) (e) 1. b. of the statutes is created to read:

20 46.278 (6) (e) 1. b. An intermediate care facility for the mentally retarded or
21 a distinct part thereof that has a plan of closure approved by the department and that
22 intends to close within 12 months.

23 ***-0030/P4.54*** SECTION 1105. 46.2805 of the statutes is created to read:

24 **46.2805 Definitions; long-term care.** In ss. 46.2805 to 46.2895:

1 (1) “Care management organization” means an entity that is certified as
2 meeting the requirements for a care management organization under s. 46.284 (3)
3 and that has a contract under s. 46.284 (2). “Care management organization” does
4 not mean an entity that contracts with the department to operate one of the
5 following:

6 (a) A program of all-inclusive care for persons aged 65 or older authorized
7 under 42 USC 1395 to 1395ggg.

8 (b) A demonstration program known as the Wisconsin partnership program
9 under a federal waiver authorized under 42 USC 1315.

10 (2) “Eligible person” means a person who meets all eligibility criteria under s.
11 46.286 (1) or (1m).

12 (3) “Enrollee” means a person who is enrolled in a care management
13 organization.

14 (4) “Family care benefit” means financial assistance for long-term care and
15 support items for an enrollee.

16 (5) “Family care district” means a special purpose district created under s.
17 46.2895 (1).

18 (6) “Family care district board” means the governing board of a family care
19 district.

20 (7) “Functional and financial screen” means a screen prescribed by the
21 department that is used to determine functional eligibility under s. 46.286 (1) (a) and
22 financial eligibility under s. 46.286 (1) (b).

23 (8) “Nonprofit organization” has the meaning given in s. 108.02 (19).

24 (9) “Older person” means a person who is aged at least 65.

1 (10) “Resource center” means an entity that meets the standards for operation
2 under s. 46.283 (3) or, if under contract to provide a portion of the services specified
3 under s. 46.283 (3), meets the standards for operation with respect to those services.

4 (11) “Tribe or band” means a federally recognized American Indian tribe or
5 band.

6 ***-0030/P4.55*** SECTION 1106. 46.281 of the statutes is created to read:

7 **46.281 Powers and duties of the department and the secretary;**
8 **long-term care. (1) DUTIES OF THE DEPARTMENT.** The department shall do all of the
9 following:

10 (a) Provide training to members of the council on long-term care who are aged
11 65 or older or who have physical or developmental disabilities or their family
12 members, guardians or other advocates, to enable these members to participate in
13 the council’s duties.

14 (b) Provide information to the council on long-term care and seek
15 recommendations of the council.

16 (c) Request from the secretary of the federal department of health and human
17 services any waivers of federal medicaid laws necessary to permit the use of federal
18 moneys to provide the family care benefit to recipients of medical assistance. The
19 department shall implement any waiver that is approved and that is consistent with
20 ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department
21 may implement operation of resource centers, care management organizations and
22 the family care benefit.

23 (d) Before July 1, 2001:

24 1. Establish, in geographic areas determined by the department, a pilot project
25 under which the department may contract with a county, a family care district, a

1 tribe or band or the Great Lakes inter-tribal council, inc., or with any 2 or more of
2 these entities under a joint application, to operate a resource center.

3 2. Contract with counties or tribes or bands under a pilot project to demonstrate
4 the ability of counties or tribes or bands to manage all long-term care programs and
5 administer the family care benefit as care management organizations.

6 (e) After June 30, 2001, contract with one or more entities certified as meeting
7 requirements under s. 46.284 (3) for services of the entity as a care management
8 organization and one or more entities for services specified under s. 46.283 (3) and
9 (4).

10 (f) Prescribe and implement a per person monthly rate structure for costs of the
11 family care benefit.

12 (g) In order to maintain continuous quality assurance and quality
13 improvement for resource centers and care management organizations, do all of the
14 following:

15 1. Prescribe by rule and by contract and enforce performance standards for
16 operation of resource centers and care management organizations.

17 2. Use performance expectations that are related to outcomes for persons in
18 contracting with care management organizations and resource centers.

19 3. Conduct ongoing evaluations of the long-term care system specified in ss.
20 46.2805 to 46.2895.

21 4. Require that quality assurance and quality improvement efforts be included
22 throughout the long-term care system specified in ss. 46.2805 to 46.2895.

23 5. Ensure that reviews of the quality of management and service delivery of
24 resource centers and care management organizations are conducted by external

1 organizations and make information about specific review results available to the
2 public.

3 (h) Require by contract that resource centers and care management
4 organizations establish procedures under which an individual who applies for or
5 receives the family care benefit may register a complaint or grievance and
6 procedures for resolving complaints and grievances.

7 (i) Prescribe criteria to assign priority equitably on any necessary waiting lists
8 for persons who are eligible for the family care benefit but who do not meet the
9 criteria under s. 46.286 (3).

10 (2) POWERS OF THE DEPARTMENT. The department may develop risk-sharing
11 arrangements in contracts with care management organizations, in accordance with
12 applicable state laws and federal statutes and regulations.

13 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county, nursing
14 home, community-based residential facility, adult family home and residential care
15 apartment complex the date on which a resource center that serves the area of the
16 county, nursing home, community-based residential facility, adult family home or
17 residential care apartment complex is first available to provide a functional and
18 financial screen. To facilitate phase-in of services of resource centers, the secretary
19 may certify that the resource center is available for specified groups of eligible
20 individuals or for specified facilities in the county.

21 ***-0030/P4.56*** SECTION 1107. 46.281 (1) (a) of the statutes, as created by 1999
22 Wisconsin Act (this act), is repealed.

23 ***-0030/P4.57*** SECTION 1108. 46.281 (1) (b) of the statutes, as created by 1999
24 Wisconsin Act (this act), is repealed.

25 ***-0030/P4.58*** SECTION 1109. 46.282 of the statutes is created to read:

1 **46.282 Council on long-term care.** The council on long-term care appointed
2 under s. 15.197 (5) shall do all of the following:

3 (1) Assist the department in developing broad policy issues related to
4 long-term care services.

5 (2) Assist the department in developing, implementing, coordinating and
6 guiding long-term care services and systems, including by reviewing and making
7 nonbinding recommendations to the department on all of the following:

8 (a) The department's standard contract provisions for resource centers and
9 care management organizations.

10 (b) The family care benefit, including the per person rate structure for the
11 benefit.

12 (c) The long-term support community options program under s. 46.27.

13 (d) The community integration programs under ss. 46.275, 46.277 and 46.278.

14 (e) Programs other than those under pars (c) and (d) that provide home and
15 community-based services.

16 (f) The provision of medical assistance services under a fee-for-service system.

17 (3) Monitor patterns of complaints, grievances and appeals related to
18 long-term care in order to identify issues of statewide importance.

19 (4) Monitor the numbers of persons on waiting lists.

20 (5) Review patterns of utilization of various types of services by care
21 management organizations.

22 (6) Monitor the pattern of care management organization enrollments and
23 disenrollments throughout the state.

1 (7) Report annually to the legislature under s. 13.172 (2) and to the governor
2 on the status, significant achievements and problems of resource centers, care
3 management organizations and the family care benefit, including all of the following:

4 (a) Numbers of persons served.

5 (b) Costs of long-term care provided under the family care benefit.

6 (c) The number and service areas of resource centers and care management
7 organizations.

8 (d) Waiting list information.

9 (e) Results of reviews of quality of services provided by resource centers and
10 care management organizations.

11 ***-0030/P4.59*** SECTION 1110. 46.282 of the statutes, as created by 1999
12 Wisconsin Act (this act), is repealed.

13 ***-0030/P4.60*** SECTION 1111. 46.283 of the statutes is created to read:

14 **46.283 Resource centers. (1) APPLICATION FOR CONTRACT.** (a) A county board
15 of supervisors and, in a county with a county executive or a county administrator, the
16 county executive or county administrator, may decide all of the following:

17 1. Whether to authorize one or more county departments under s. 46.21,
18 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the
19 department for a contract to operate a resource center and, if so, which to authorize
20 and what client group to serve.

21 2. Whether to create a family care district to apply to the department for a
22 contract to operate a resource center.

23 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal
24 council, inc., may decide whether to authorize a tribal agency to apply to the

1 department for a contract to operate a resource center for tribal members and, if so,
2 which client group to serve.

3 (c) Under the requirements of par. (a), a county board of supervisors may decide
4 to apply to the department for a contract to operate a multicounty resource center
5 in conjunction with the county board or boards of one or more other counties or a
6 county-tribal resource center in conjunction with the governing body of a tribe or
7 band or the Great Lakes inter-tribal council, inc.

8 (d) Under the requirements of par. (b), the governing body of a tribe or band may
9 decide to apply to the department for a contract to operate a resource center in
10 conjunction with the governing body or governing bodies of one or more other tribes
11 or bands or the Great Lakes inter-tribal council, inc., or with a county board of
12 supervisors.

13 (2) EXCLUSIVE CONTRACT. (a) Before July 1, 2001, the department may contract
14 only with a county, a family care district, the governing body of a tribe or band or the
15 Great Lakes inter-tribal council, inc., or with 2 or more of these entities under a joint
16 application, to operate a resource center.

17 (b) After June 30, 2001, the department may contract with a private nonprofit
18 organization to operate a resource center if the department determines that the
19 organization has no significant connection to an entity that operates a care
20 management organization and if any of the following applies:

21 1. A county board of supervisors declines in writing to apply for a contract to
22 operate a resource center.

23 2. A county agency or a family care district applies for a contract but fails to
24 meet the standards specified in sub. (3).

1 (c) After the period specified in par. (a), the department may contract to operate
2 a resource center with counties, family care districts, the governing body of a tribe
3 or band or the Great Lakes inter-tribal council, inc., or under a joint application of
4 any of these, or with a private nonprofit organization that is entirely separate from
5 an entity that operates a care management organization.

6 **(3) STANDARDS FOR OPERATION.** The department shall assure that at least all of
7 the following are available to a person who contacts a resource center for service:

8 (a) Information and referral services and other assistance at hours that are
9 convenient for the public.

10 (b) A determination of functional eligibility for the family care benefit.

11 (c) Within the limits of available funding, prevention and intervention services.

12 (d) Counseling concerning public and private benefits programs.

13 (e) A determination of financial eligibility and of the maximum amount of cost
14 sharing required for a person who is seeking long-term care services, under
15 standards prescribed by the department.

16 (f) Assistance to a person who is eligible for the family care benefit with respect
17 to the person's choice of whether or not to enroll in a care management organization
18 and, if so, which available care management organization would best meet his or her
19 needs.

20 (g) Assistance in enrolling in a care management organization for persons who
21 choose to enroll.

22 (h) Equitable assignment of priority on any necessary waiting lists, consistent
23 with criteria prescribed by the department, for persons who are eligible for the family
24 care benefit but who do not meet the criteria under s. 46.286 (3).

1 (i) Assessment of risk for each person who is on a waiting list, as described in
2 par. (h), development with the person of an interim plan of care and assistance to the
3 person in arranging for services.

4 (j) Transitional services to families whose children with physical or
5 developmental disabilities are preparing to enter the adult service system.

6 (k) A determination of eligibility for state supplemental payments under s.
7 49.77, medical assistance under s. 49.46, 49.468 or 49.47 or the federal food stamp
8 program under 7 USC 2011 to 2029.

9 (4) DUTIES. A resource center shall do all of the following:

10 (a) Provide services within the entire geographic area prescribed for the
11 resource center by the department.

12 (b) Submit to the department all reports and data required or requested by the
13 department.

14 (c) Implement internal quality improvement and quality assurance processes
15 that meet standards prescribed by the department.

16 (d) Cooperate with any review by an external advocacy organization.

17 (e) Within 6 months after the family care benefit is available to all eligible
18 persons in the area of the resource center, provide information about the services of
19 the resource center, including the services specified in sub. (3)(d), about assessments
20 under s. 46.284 (4)(b) and care plans under s. 46.284 (4)(c) and about the family care
21 benefit to all older persons and persons with a physical disability who are residents
22 of nursing homes, community-based residential facilities, adult family homes and
23 residential care apartment complexes in the area of the resource center.

1 (f) Provide a functional and financial screen to any resident, as specified in par.
2 (e), who requests a screen and assist any resident who is eligible and chooses to enroll
3 in a care management organization to do so.

4 (g) Provide a functional and financial screen to any person seeking admission
5 to a nursing home, community-based residential facility, residential care apartment
6 complex or adult family home if the secretary has certified that the resource center
7 is available to the person and the facility.

8 (h) Provide access to services under s. 46.90 and ch. 55 to a person who is
9 eligible for the services, through cooperation with the county agency or agencies that
10 provide the services.

11 (i) Assure that emergency calls to the resource center are responded to
12 promptly, 24 hours per day.

13 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (bm) and (p)
14 and (7) (b), (bd) and (md), the department may contract with organizations that meet
15 standards under sub. (3) for performance of the duties under sub. (4) and shall
16 distribute funds for services provided by resource centers.

****NOTE: The numbering of s. 20.435 (4) (bm) and (p) is dependent on the
renumbering of s. 20.435 (1) (bm) and (p) in LRB-0028. If LRB-0028 is not included in
the budget bill, these cross-references must be renumbered.

17 (6) GOVERNING BOARD. A resource center shall have a governing board that
18 reflects the ethnic and economic diversity of the geographic area served by the
19 resource center. At least one-fourth of the members of the governing board shall be
20 older persons or persons with physical or developmental disabilities or their family
21 members, guardians or other advocates.

22 (7) EXCHANGE OF INFORMATION. Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
23 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78

1 (2) (a), a resource center acting under this section may exchange confidential
2 information about a client, as defined in s. 46.287 (1), without the informed consent
3 of the client, under ss. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284
4 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the resource center,
5 if necessary to enable the resource center to perform its duties or to coordinate the
6 delivery of services to the client.

7 ***-0030/P4.61*** **SECTION 1112.** 46.284 of the statutes is created to read:

8 **46.284 Care management organizations. (1) APPLICATION FOR CONTRACT.**

9 (a) A county board of supervisors and, in a county with a county executive or a county
10 administrator, the county executive or county administrator, may decide all of the
11 following:

12 1. Whether to authorize one or more county departments under s. 46.21,
13 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the
14 department for a contract to operate a care management organization and, if so,
15 which to authorize and what client group to serve.

16 2. Whether to create a family care district to apply to the department for a
17 contract to operate a care management organization.

18 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal
19 council, inc., may decide whether to authorize a tribal agency to apply to the
20 department for a contract to operate a care management organization for tribal
21 members and, if so, which client group to serve.

22 (c) Under the requirements of par. (a), a county board of supervisors may decide
23 to apply to the department for a contract to operate a multicounty care management
24 organization in conjunction with the county board or boards of one or more other

1 counties or a county-tribal care management organization in conjunction with the
2 governing body of a tribe or band or the Great Lakes inter-tribal council, inc.

3 (d) Under the requirements of par. (b), the governing body of a tribe or band may
4 decide to apply to the department for a contract to operate a care management
5 organization in conjunction with the governing body or governing bodies of one or
6 more other tribes or bands or the Great Lakes inter-tribal council, inc., or with a
7 county board of supervisors.

8 (2) CONTRACTS. (a) The department may contract for operation of a care
9 management organization only with an entity that is certified as meeting the
10 requirements under sub. (3). No entity may operate as a care management
11 organization under the requirements of this section unless so certified and under
12 contract with the department.

13 (b) Except as provided in par. (c), within each county, the department shall
14 initially contract to operate a care management organization with the county or a
15 family care district if the county elects to operate a care management organization
16 and the care management organization meets the requirements of sub. (3) and
17 performance standards prescribed by the department. A county that contracts under
18 this paragraph may operate the care management organization for all of the target
19 groups or for a selected group or groups. During the first 2 years in which the county
20 has a contract under which it accepts a per person per month payment for each
21 enrollee in the care management organization, the department may not contract
22 with another organization to operate a care management organization in the county
23 unless any of the following applies:

24 1. The county agrees in writing that at least one additional care management
25 organization is necessary or desirable.

1 2. Because the county does not elect to serve both older persons and persons
2 with a physical disability or is unable to meet requirements for both of these client
3 groups, an additional care management organization is necessary to serve the group
4 that is not served by the county.

5 3. The governing body of a tribe or band or the Great Lakes inter-tribal council,
6 inc., elects to operate a care management organization within the area and is
7 certified under sub. (3).

8 (c) During the first 24 months in which a county under s. 46.281 (1) (d) 2. has
9 a contract under which the county accepts a per person per month payment for each
10 enrollee in its care management organization, the department may not contract with
11 another organization to operate a care management organization in that county
12 unless either of the conditions under par. (b) 1. or 3. applies.

13 (d) For contracts following the initial contracts specified in par. (b), the
14 department shall, after consulting with the council on long-term care, prescribe
15 criteria to determine the number of care management organizations that are
16 necessary for operation in a county. Under these criteria, the department shall solicit
17 applications, certify those applicants that meet the requirements specified in sub. (3)
18 (a), select certified applicants for contract and contract with the selected applicants.

19 **(3) CERTIFICATION; REQUIREMENTS.** (a) If an entity meets the requirements
20 under par. (b) and applicable rules of the department and submits to the department
21 an application for initial certification or certification renewal, the department shall
22 certify that the entity meets the requirements for a care management organization.

23 (b) To be certified as a care management organization, an applicant shall
24 demonstrate or ensure all of the following:

1 1. Adequate availability of providers with the expertise and ability to provide
2 services that are responsive to the disabilities or conditions of all of the applicant's
3 proposed enrollees and sufficient representation of programmatic philosophies and
4 cultural orientations to accommodate a variety of enrollee preferences and needs.

5 2. Adequate availability of providers that can meet the preferences and needs
6 of its proposed service recipients for services at various times, including evenings,
7 weekends and, when applicable, on a 24-hour basis.

8 3. Adequate availability of providers that are able and willing to perform all
9 of the tasks that are likely to be identified in proposed enrollees' service and care
10 plans.

11 4. Adequate availability of residential and day services that are geographically
12 accessible to proposed enrollees' homes, families or friends.

13 5. Adequate supported living arrangements of the types and sizes that meet
14 proposed enrollees' preference and needs.

15 6. Expertise in determining and meeting the needs of every target population
16 that the applicant proposes to serve and connections to the appropriate service
17 providers.

18 7. Thorough knowledge of local long-term care and other community resources.

19 8. The ability to manage and deliver, either directly or through subcontracts
20 or partnerships with other organizations, the full range of benefits to be included in
21 the monthly payment amount.

22 9. Thorough knowledge of methods for maximizing informal caregivers and
23 community resources and integrating them into a service or care plan.

24 10. Coverage for a geographic area specified by the department.

1 11. The ability to develop strong linkages with systems and services that are
2 not directly within the scope of the applicant's responsibility but that are important
3 to the target group that it proposes to serve, including primary and acute health care
4 services.

5 12. Adequate and competent staffing by qualified personnel to perform all of
6 the functions that the applicant proposes to undertake.

7 (4) DUTIES. A care management organization shall, in addition to meeting all
8 contract requirements, do all of the following:

9 (a) Accept requested enrollment of any person who is entitled to the family care
10 benefit and of any person who is eligible for the family care benefit and for whom
11 funding is available. No care management organization may disenroll any enrollee,
12 except under circumstances specified by the department by contract. No care
13 management organization may encourage any enrollee to disenroll in order to obtain
14 long-term care services under the medical assistance fee-for-service system. No
15 involuntary disenrollment is effective unless the department has reviewed and
16 approved it.

17 (b) Conduct a comprehensive assessment for each enrollee, including an
18 in-person interview with the enrollee, using a standard format developed by the
19 department.

20 (c) With the enrollee and the enrollee's family or guardian, if appropriate,
21 develop a comprehensive care plan that reflects the enrollee's values and
22 preferences.

23 (d) Provide or contract for the provision of necessary services and monitor the
24 provided or contracted services.

1 (e) Provide, within guidelines established by the department, a mechanism by
2 which an enrollee may arrange for, manage and monitor his or her family care benefit
3 directly or with the assistance of another person chosen by the enrollee. The care
4 management organization shall monitor the enrollee's use of a fixed budget for
5 purchase of services or support items from any qualified provider, monitor the health
6 and safety of the enrollee and provide assistance in management of the enrollee's
7 budget and services at a level tailored to the enrollee's need and desire for the
8 assistance.

9 (f) Provide, on a fee-for-service basis, case management services to persons
10 who are functionally eligible but not financially eligible for the family care benefit.

11 (g) Meet all performance standards required by the federal government or
12 promulgated by the department by rule.

13 (h) Submit to the department reports and data required or requested by the
14 department.

15 (i) Implement internal quality improvement and assurance processes that
16 meet standards prescribed by the department by rule.

17 (j) Cooperate with external quality assurance reviews.

18 (k) Meet departmental requirements for protection of solvency.

19 (L) Annually submit to the department an independent financial audit that
20 meets federal requirements.

21 **(5) FUNDING AND RISK-SHARING.** (a) From the appropriation accounts under s.
22 20.435 (4)(g), (5)(b) and (o) and (7)(b) and (bd), the department shall provide funding
23 on a capitated payment basis for the provision of services under this section.
24 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
25 under contract with the department may expend the funds, consistent with this

1 section, including providing payment, on a capitated basis, to providers of services
2 under the family care benefit.

3 (b) If the expenditures by a care management organization under par. (a)
4 exceed payments received from the department under par. (a), as determined by the
5 department by contract, the department may share the loss with the care
6 management organization, within the limits prescribed under the contract with the
7 department.

8 (c) If the payments received from the department under par. (a) exceed the
9 expenditures by a care management organization under par. (a), as determined by
10 the department by contract, the care management organization may retain a portion
11 of the excess payments, within the limits prescribed under the contract with the
12 department, and shall return the remainder to the department.

13 (d) The department may, by contract, impose solvency protections that the
14 department determines are reasonable and necessary to retain federal financial
15 participation. These protections may include all of the following:

16 1. The requirement that a care management organization segregate a risk
17 reserve from other funds of the care management organization or the authorizing
18 body for the care management organization.

19 2. The requirement that interest accruing to the risk reserve remain in the
20 escrow account for the risk reserve.

21 3. Limitations on the distribution of funds from the risk reserve.

22 4. The requirement that a care management organization place funds in a risk
23 reserve and maintain the risk reserve in an interest-bearing escrow account with a
24 financial institution, as defined in s. 69.30 (1) (b), or invest funds as specified in s.
25 46.2895 (4) (j) 2. or 3. Moneys in the risk reserve or invested as specified in this

1 subdivision may be expended only for the provision of services under this section.
2 If a care management organization ceases participation under this section, the funds
3 in the risk reserve or invested as specified in this subdivision, minus any
4 contribution of moneys other than those specified in par. (c), shall be returned to the
5 department. The department shall expend the moneys for the payment of
6 outstanding debts to providers of family care benefit services and for the
7 continuation of family care benefit services to enrollees.

8 (e) 1. Subject to subd. 2., a care management organization may enter into
9 contracts with providers of family care benefit services and may limit profits of the
10 providers under the contracts.

11 2. The department shall review the contracts in subd. 1., including rates for the
12 provision of service, to ensure that the contract terms protect services access by
13 enrollees and financial viability of the care management organization, and may
14 require contract revision.

15 (6) GOVERNING BOARD. A care management organization shall have a governing
16 board that reflects the ethnic and economic diversity of the geographic area served
17 by the care management organization. At least one-fourth of the members of the
18 governing board shall be older persons or persons with physical or developmental
19 disabilities or their family members, guardians or other advocates who are
20 representative of the care management organization's enrollee.

21 (7) EXCHANGE OF INFORMATION. Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
22 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78
23 (2) (a), a care management organization acting under this section may exchange
24 confidential information about a client, as defined in s. 46.287 (1), without the
25 informed consent of the client, under ss. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),

1 46.23 (3) (e), 46.283 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of
2 the care management organization, if necessary to enable the care management
3 organization to perform its duties or to coordinate the delivery of services to the
4 client.

5 ***-0030/P4.62* SECTION 1113.** 46.284 (2) (d) of the statutes, as created by 1999
6 Wisconsin Act (this act), is amended to read:

7 46.284 (2) (d) For contracts following the initial contracts specified in par. (b),
8 the department shall, ~~after consulting with the council on long-term care~~, prescribe
9 criteria to determine the number of care management organizations that are
10 necessary for operation in a county. Under these criteria, the department shall solicit
11 applications, certify those applicants that meet the requirements specified in sub. (3)
12 (a), select certified applicants for contract and contract with the selected applicants.

13 ***-0030/P4.63* SECTION 1114.** 46.285 of the statutes is created to read:

14 **46.285 Operation of resource center and care management**
15 **organization.** In order to meet federal requirements and assure federal financial
16 participation in funding of the family care benefit, a county, a tribe or band, a family
17 care district or an organization, including a private, nonprofit corporation, may not
18 directly operate both a resource center and a care management organization. All of
19 the following apply to operation of both a resource center and a care management
20 organization:

21 (1) COUNTY OPERATION. (a) If a county board of supervisors and, if applicable,
22 a county executive or a county administrator, elect to apply to the department for a
23 contract to operate a resource center, the county board of supervisors may create a
24 family care district to apply to the department for a contract to operate a care
25 management organization.

1 (b) If a county board of supervisors and, if applicable, a county executive or a
2 county administrator, elect to apply to the department for a contract to operate a care
3 management organization, the county board of supervisors may create a family care
4 district to apply to the department to operate a resource center.

5 (2) TRIBAL OR BAND ORGANIZATION. (a) If the governing body of a tribe or band
6 elects to apply to the department for a contract directly to operate a resource center,
7 tribal or band members may form a separate corporation to apply to the department
8 for a contract to operate a care management organization. No members of the
9 governing board of the corporation may be members of the tribal or band governing
10 body.

11 (b) If the governing body of a tribe or band elects to apply to the department
12 for a contract directly to operate a care management organization, tribal or band
13 members may form a separate corporation to apply to the department for a contract
14 to operate a resource center. No members of the governing board of the corporation
15 may be members of the tribal or band governing body.

16 (3) JOINT COUNTY AND TRIBAL OR BAND OPERATION. Any county or family care
17 district that seeks to operate jointly with a tribe or band or tribal or band corporation
18 a care management organization or resource center shall submit jointly with the
19 tribe or band or tribal or band corporation an application to the department to
20 operate the care management organization or resource center.

21 *–0030/P4.64* SECTION 1115. 46.286 of the statutes is created to read:

22 **46.286 Family care benefit. (1) ELIGIBILITY.** Except as provided in sub. (1m),
23 a person is eligible for, but not necessarily entitled to, the family care benefit if the
24 person is at least 18 years of age; does not have a primary disabling condition of

1 mental illness, substance abuse or developmental disability; and meets all of the
2 following criteria:

3 (a) *Functional eligibility.* A person is functionally eligible if any of the following
4 applies, as determined by the department or its designee:

5 1. The person's functional capacity is at either of the following levels:

6 a. The comprehensive level, if the person has a long-term or irreversible
7 condition, expected to last at least 90 days or result in death within one year of the
8 date of application, and requires ongoing care, assistance or supervision.

9 b. The intermediate level, if the person has a condition that is expected to last
10 at least 90 days or result in death within 12 months after the date of application, and
11 is at risk of losing his or her independence or functional capacity unless he or she
12 receives assistance from others.

13 2. The person has a condition that is expected to last at least 90 days or result
14 in death within 12 months after the date of application and, on the date that the
15 family care benefit became available in the person's county of residence, the person
16 was a resident in a nursing home or was receiving long-term care services, as
17 specified by the department, funded under any of the following:

18 a. The long-term support community options program under s. 46.27.

19 b. Home and community-based waiver programs under 42 USC 1396n (c),
20 including community integration program under s. 46.275, 46.277 or 46.278.

21 c. The Alzheimer's family caregiver support program under s. 46.87.

22 d. Community aids under s. 46.40, if documented by the county under a method
23 prescribed by the department.

24 e. County funding, if documented by the county under a method prescribed by
25 the department.

1 (b) *Financial eligibility.* A person is financially eligible if all of the following
2 apply:

3 1. As determined by the department or its designee, either of the following
4 applies:

5 a. The person would qualify for medical assistance except for financial criteria,
6 and the projected cost of the person's care plan, as calculated by the department or
7 its designee, exceeds the person's gross monthly income, plus one-twelfth of his or
8 her countable assets, less deductions and allowances permitted by rule by the
9 department.

10 b. The person is eligible under ch. 49 for medical assistance.

11 2. If subd. 1. b. applies, the person accepts medical assistance unless he or she
12 is exempt from the acceptance under rules promulgated by the department.

13 **(1m) ELIGIBILITY EXCEPTION.** A person whose primary disabling condition is
14 developmental disability is eligible for the family care benefit if the person is a
15 resident of a county or is a member of a tribe or band that has operated, before July
16 1, 2001, a care management organization under s. 46.281 (1) (d) and meets all other
17 eligibility criteria under this subsection.

18 **(2) COST SHARING.** (a) A person who is determined to be financially eligible
19 under sub. (1) (b) shall contribute to the cost of his or her care an amount that is
20 calculated by the department or its designee after subtracting from the person's
21 gross income, plus one-twelfth of countable assets, the deductions and allowances
22 permitted by the department by rule.

23 (b) Funds received under par. (a) shall be used by a care management
24 organization to pay for services under the family care benefit.

1 (c) A person who is required to contribute to the cost of his or her care but who
2 fails to make the required contributions is ineligible for the family care benefit unless
3 he or she is exempt from the requirement under rules promulgated by the
4 department.

5 (3) ENTITLEMENT. (a) Subject to pars. (c) and (d), a person is entitled to and may
6 receive the family care benefit through enrollment in a care management
7 organization if he or she meets the requirements of sub. (1) (intro.), is financially
8 eligible, fulfills any applicable cost-sharing requirements and meets any of the
9 following criteria:

10 1. Is functionally eligible at the comprehensive level.

11 2. Is functionally eligible at the intermediate level and is eligible under sub. (1)

12 (b) 1. b.

13 3. Is functionally eligible at the intermediate level and is determined by an
14 agency under s. 46.90 (2) or specified in s. 55.05 (1t) to be in need of protective services
15 under s. 55.05 or protective placement under s. 55.06.

16 4. Is functionally eligible under sub. (1) (a) 2.

17 5. Is eligible under sub. (1m).

18 (b) An entitled individual who is enrolled in a care management organization
19 may not be involuntarily disenrolled except as follows:

20 1. For cause, subject to the requirements of s. 46.284 (4) (a).

21 2. If the contract between the care management organization and the
22 department is canceled or not renewed. If this circumstance occurs, the department
23 shall assure that enrollees continue to receive needed services through another care
24 management organization or through the medical assistance fee-for-service system
25 or any of the programs specified under sub. (1) (a) 2. a. to d.

1 (c) Within each county and for each client group, par. (a) shall first apply on the
2 effective date of a contract under which a care management organization accepts a
3 per person per month payment to provide services under the family care benefit to
4 eligible persons in that client group in the county. Within 24 months after this date,
5 the department shall assure that sufficient capacity exists within one or more care
6 management organizations to provide the family care benefit to all entitled persons
7 in that client group in the county.

8 (d) The department shall determine the date, which shall not be later than July
9 1, 2000, on which par. (a) shall first apply to persons who are not eligible for medical
10 assistance under ch. 49.

11 (4) **DIVESTMENT; RULES.** The department shall promulgate rules relating to
12 prohibitions on divestment of assets of persons who receive the family care benefit,
13 that are substantially similar to applicable provisions under s. 49.453.

14 (5) **TREATMENT OF TRUST AMOUNTS; RULES.** The department shall promulgate
15 rules relating to treatment of trust amounts of persons who receive the family care
16 benefit, that are substantially similar to applicable provisions under s. 49.454.

17 (6) **PROTECTION OF INCOME AND RESOURCES OF COUPLE FOR MAINTENANCE OF**
18 **COMMUNITY SPOUSE; RULES.** The department shall promulgate rules relating to
19 protection of income and resources of couples for the maintenance of the spouse in
20 the community with regard to persons who receive the family care benefit, that are
21 substantially similar to applicable provisions under s. 49.455.

22 (7) **RECOVERY OF FAMILY CARE BENEFIT PAYMENTS; RULES.** The department shall
23 promulgate rules relating to the recovery from persons who receive the family care
24 benefit, including by liens and from estates, of correctly paid family care benefits,
25 that are substantially similar to applicable provisions under ss. 49.496 and 49.497.

1 ***-0030/P4.65*** SECTION 1116. 46.287 of the statutes is created to read:

2 **46.287 Hearings.** (1) DEFINITION. In this section, “client” means a person
3 applying for eligibility for the family care benefit, an eligible person or an enrollee.

4 (2) HEARING. (a) 1. Except as provided in subd. 2., a client may contest any of
5 the following applicable matters by filing, within 45 days after receipt of notice of the
6 contested matter, a written request for a hearing that shall be held under procedures
7 for hearing these disputes that are prescribed by the department by rule:

8 a. Denial of eligibility under s. 46.286 (1) or (1m).

9 b. Determination of cost sharing under s. 46.286 (2).

10 c. Denial of entitlement under s. 46.286 (3).

11 d. Failure to provide timely services and support items that are included in the
12 plan of care.

13 e. Reduction of services or support items under the family care benefit.

14 f. Development of a plan of care that is unacceptable because the plan of care
15 requires the enrollee to live in a place that is unacceptable to the enrollee or the plan
16 of care provides care, treatment or support items that are insufficient to meet the
17 enrollee’s needs, are unnecessarily restrictive or are unwanted by the enrollee.

18 g. Termination of the family care benefit.

19 2. An applicant for or recipient of medical assistance is not entitled to a hearing
20 concerning the identical dispute or matter under both this section and 42 CFR
21 431.200 to 431.246.

22 (b) An enrollee may contest a decision of a care management organization
23 regarding the type, amount or quality of the enrollee’s services under the family care
24 benefit, other than those specified in par. (a) 1. d. to f., or may contest the choice of
25 service provider. In these instances, the enrollee shall first send a written request

1 for review by the unit of the department that monitors care management
2 organization contracts. This unit shall review and attempt to resolve the dispute.
3 If the dispute is not resolved to the satisfaction of the enrollee, he or she may request
4 a hearing under the procedures specified in par. (a) 1. (intro.).

5 (c) Information regarding the availability of advocacy services and notice of
6 adverse actions taken and appeal rights shall be provided to a client by the resource
7 center or care management organization in a form and manner that is prescribed by
8 the department by rule.

9 ***-0030/P4.66* SECTION 1117.** 46.288 of the statutes is created to read:

10 **46.288 Rule-making.** The department shall promulgate as rules all of the
11 following:

12 (1) Standards for performance by resource centers and for certification of care
13 management organizations, including requirements for maintaining quality
14 assurance and quality improvement.

15 (2) Rights of clients, eligible persons and enrollees that are specified in s.
16 46.287.

17 (3) Criteria and procedures for determining functional eligibility under s.
18 46.286 (1)(a), financial eligibility under s. 46.286 (1)(b), cost sharing under s. 46.286
19 (2) (a) and entitlement under s. 46.286 (3). The rules for determining functional
20 eligibility under s. 46.286 (1) (a) 1. a. shall be substantially similar to eligibility
21 criteria for receipt of the long-term support community options program under s.
22 46.27. Rules under this subsection shall include definitions of the following terms
23 applicable to s. 46.286:

24 (a) "Primary disabling condition".

25 (b) "Mental illness".

1 (c) "Substance abuse".

2 (d) "Long-term or irreversible".

3 (e) "Requires ongoing care, assistance or supervision".

4 (f) "Condition that is expected to last at least 90 days or result in death within
5 one year".

6 (g) "At risk of losing independence or functional capacity".

7 (h) "Gross monthly income".

8 (i) "Deductions and allowances".

9 (j) "Countable assets".

10 (4) Procedures and standards for procedures for s. 46.287 (2).

11 *-0030/P4.67* SECTION 1118. 46.289 of the statutes is created to read:

12 **46.289 Transition.** In order to facilitate the transition to the long-term care
13 system specified in ss. 46.2805 to 46.2895, within the limits of applicable federal
14 statutes and regulations and if the secretary of health and family services finds it
15 necessary, he or she may grant a county limited waivers to or exemptions from ss.
16 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2. and 3. and (b) (intro.),
17 1. and 2., (6r) (c), (7) (b), (c) and (cm) and (11) (c) 5m. (intro.) and 6. and 46.277 (3)
18 (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated under those provisions.

19 *-0030/P4.68* SECTION 1119. 46.2895 of the statutes is created to read:

20 **46.2895 Family care district.** (1) CREATION. (a) A county board of
21 supervisors may create a special purpose district that is termed a "family care
22 district", that is a local unit of government, that is separate and distinct from, and
23 independent of, the state and the county, and that has the powers and duties
24 specified in this section, if the county board does all of the following:

25 1. Adopts an enabling resolution that does all of the following:

1 a. Declares the need for establishing the family care district.

2 b. Specifies the family care district's primary purpose, which shall be to
3 operate, under contract with the department, either a resource center under s.
4 46.283 or a care management organization under s. 46.284, but not both.

5 2. Files copies of the enabling resolution with the secretary of administration,
6 the secretary of health and family services and the secretary of revenue.

7 (b) The county boards of supervisors of 2 or more contiguous counties may
8 together create a family care district with the attributes specified in par. (a) (intro.)
9 on a multicounty basis within the counties if the county boards of supervisors comply
10 with the requirements of par. (a) 1. and 2.

11 **(2) JURISDICTION.** A family care district's jurisdiction is the geographical area
12 of the county or counties of the county board or boards of supervisors who created the
13 family care district.

14 **(3) FAMILY CARE DISTRICT BOARD.** (a) 1. The county board of supervisors of a
15 county or, in a county with a county administrator or county executive, the county
16 administrator or county executive shall appoint the members of the family care
17 district board, which is the governing board of a family care district under sub. (1)
18 (a).

19 2. The county boards of supervisors of 2 or more contiguous counties shall
20 appoint the members of the family care district board, which is the governing board
21 of the family care district under sub. (1) (b). Each county board shall appoint
22 members in the same proportion that the county's population represents to the total
23 population of all of the counties that constitute the jurisdiction of the family care
24 district.

1 (b) 1. The family care district board appointed under par. (a) 1. shall consist of
2 15 persons who are residents of the area of jurisdiction of the family care district.
3 At least one-fourth of the members shall be representative of the client group or
4 groups whom it is the family care district's primary purpose to serve or those clients'
5 family members, guardians or other advocates.

6 2. The family care district board appointed under par. (a) 2. shall consist of 15
7 persons, plus one additional member for each county in excess of 2, all of whom are
8 residents of the area of jurisdiction of the family care district. At least one-fourth
9 of the members shall be representative of the client group or groups whom it is the
10 family care district's primary purpose to serve or those clients' family members,
11 guardians or other advocates.

12 3. Membership of the family care district board under subd. 1. or 2. shall reflect
13 the ethnic and economic diversity of the area of jurisdiction of the family care district.
14 No member of the board may be an elected or appointed official or an employe of the
15 county or counties that created the family care district. No member of the board may
16 have a private financial interest in or profit directly or indirectly from any contract
17 or other business of the family care district.

18 (c) The members of the family care district board appointed under par. (a) shall
19 serve 3-year terms. No member may serve more than 2 consecutive terms. Of the
20 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for
21 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder,
22 shall be appointed for 5 years. A member shall serve until his or her successor is
23 appointed.

24 (d) As soon as possible after the appointment of the initial members of the
25 family care district board, the board shall organize for the transaction of business

1 and elect a chairperson and other necessary officers. Each chairperson shall be
2 elected by the board from time to time for the term of that chairperson's office as a
3 member of the board or for the term of 3 years, whichever is shorter, and shall be
4 eligible for reelection. A majority of the board shall constitute a quorum. The board
5 may act based on the affirmative vote of a majority of a quorum.

6 (4) POWERS. Subject to sub. (1) (a) 1. b., a family care district has all the powers
7 necessary or convenient to carry out the purposes and provisions of ss. 46.2805 to
8 46.2895. In addition to all these powers, a family care district may do all of the
9 following:

10 (a) Adopt and alter, at pleasure, an official seal.

11 (b) Adopt bylaws and policies and procedures for the regulation of its affairs
12 and the conduct of its business. The bylaws, policies and procedures shall be
13 consistent with ss. 46.2085 to 46.2895 and, if the family care district contracts with
14 the department under par. (d), with the terms of that contract.

15 (c) Sue and be sued.

16 (d) Negotiate and enter into leases or contracts, including a contract with the
17 department to operate either a resource center under s. 46.283 or a care management
18 organization under s. 46.284, but not both.

19 (e) Provide services related to services available under the family care benefit,
20 to older persons and persons with disabilities, in addition to the services funded
21 under the contract with the department that is specified under par. (d).

22 (f) Acquire, construct, equip, maintain, improve or manage a resource center
23 under s. 46.283 or a care management organization under s. 46.284, but not both.

24 (g) Subject to sub. (8), employ any agent, employe or special adviser that the
25 family care district finds necessary, fix and regulate his or her compensation and

1 provide, either directly or subject to an agreement under s. 66.30 as a participant in
2 a benefit plan of another governmental entity, any employe benefits, including an
3 employe pension plan.

4 (h) Mortgage, pledge or otherwise encumber the family care district's property
5 or funds.

6 (i) Buy, sell or lease property, including real estate, and maintain or dispose of
7 the property.

8 (j) Invest any funds not required for immediate disbursement in any of the
9 following:

10 1. An interest-bearing escrow account with a financial institution, as defined
11 in s. 69.30 (1) (b).

12 2. Time deposits in any financial institution, as defined in s. 69.30 (1) (b), if the
13 time deposits mature in not more than 2 years.

14 3. Bonds or securities issued or guaranteed as to principal and interest by the
15 federal government or by a commission, board or other instrumentality of the federal
16 government.

17 (k) Create a risk reserve or other special reserve as the family care district
18 board desires or as the department requires under the contract with the department
19 that is specified under par. (d).

20 (L) Accept aid, including loans, to accomplish the purpose of the family care
21 district from any local, state or federal governmental agency or accept gifts, loans,
22 grants or bequests from individuals or entities, if the conditions under which the aid,
23 loan, gift, grant or bequest is furnished are not in conflict with this section.

24 (m) Make and execute other instruments necessary or convenient to exercise
25 the powers of the family care district.

1 **(5) LIMITATION ON POWERS.** A family care district may not issue bonds or levy
2 a tax or assessment.

3 **(6) DUTIES.** The family care district board shall do all of the following:

4 (a) Appoint a director, who shall hold office at the pleasure of the board.

5 (b) Subject to sub. (8), develop and implement a personnel structure and other
6 employment policies for employes of the family care district.

7 (c) Assure compliance with the terms of any contract with the department
8 under sub. (4) (d).

9 (d) Establish a fiscal operating year and annually adopt a budget for the family
10 care district.

11 (e) Contract for any legal services required for the family care district.

12 (f) Subject to sub. (8), procure liability insurance covering its officers, employes
13 and agents, insurance against any loss in connection with its property and other
14 assets and other necessary insurance; establish and administer a plan of
15 self-insurance; or, subject to an agreement under s. 66.30, participate in a
16 governmental plan of insurance or self-insurance.

17 **(7) DIRECTOR; DUTIES.** The director appointed under sub. (6) (a) shall do all of
18 the following:

19 (a) Manage the property and business of the family care district and manage
20 the employes of the district, subject to the general control of the family care district
21 board.

22 (b) Comply with the bylaws and direct enforcement of all policies and
23 procedures adopted by the family care district board.

24 (c) Perform duties in addition to those specified in pars. (a) and (b) as are
25 prescribed by the family care district board.

1 **(8) EMPLOYMENT AND EMPLOYEE BENEFITS OF CERTAIN EMPLOYEES.** (a) A family care
2 district board shall do all of the following:

3 1. If the family care district offers employment to any individual who was
4 previously employed by the county, who while employed by the county performed
5 duties relating to the same or a substantially similar function for which the
6 individual is offered employment by the district and whose wages, hours and
7 conditions of employment were established in a collective bargaining agreement
8 with the county under subch. IV of ch. 111 that is in effect on the date that the
9 individual commences employment with the district, with respect to that individual,
10 abide by the terms of the collective bargaining agreement concerning the individual's
11 compensation and benefits until the time of the expiration of that collective
12 bargaining agreement or adoption of a collective bargaining agreement with the
13 district under subch. IV of ch. 111 covering the individual as an employe of the
14 district, whichever occurs first.

15 2. If the family care district offers employment to any individual who was
16 previously employed by the county and who while employed by the county performed
17 duties relating to the same or a substantially similar function for which the
18 individual is offered employment by the district, but whose wages, hours and
19 conditions of employment were not established in a collective bargaining agreement
20 with the county under subch. IV of ch. 111 that is in effect on the date the individual
21 commences employment with the district, with respect to that individual, initially
22 provide that individual the same compensation and benefits that he or she received
23 while employed by the county.

24 3. If the family care district offers employment to any individual who was
25 previously employed by the county and who while employed by the county performed

1 duties relating to the same or a substantially similar function for which the
2 individual is offered employment by the district, with respect to that individual,
3 recognize all years of service with the county for any benefit provided or program
4 operated by the district for which an employee's years of service may affect the
5 provision of the benefit or the operation of the program.

6 4. If the county has not established its own retirement system for county
7 employes, adopt a resolution that the family care district be included within the
8 provisions of the Wisconsin retirement system under s. 40.21 (1). In this resolution,
9 the family care district shall agree to recognize 100% of the prior creditable service
10 of its employes earned by the employes while employed by the district.

11 (b) The county board of supervisors of the area of jurisdiction of the family care
12 district shall do all of the following:

13 1. If the county has established its own retirement system for county employes,
14 provide that family care district employes are eligible to participate in the county
15 retirement system.

16 2. Provide that, subject to the terms of any applicable collective bargaining
17 agreement as provided in par. (a) 1., family care district employes are eligible to
18 receive health care coverage under any county health insurance plan that is offered
19 to county employes.

20 3. Provide that, subject to the terms of any applicable collective bargaining
21 agreement as provided in par. (a) 1., family care district employes are eligible to
22 participate in any deferred compensation or other benefit plan offered by the county
23 to county employes, including disability and long-term care insurance coverage and
24 income continuation insurance coverage.

1 **(9) CONFIDENTIALITY OF RECORDS.** No record, as defined in s. 19.32 (2), of a family
2 care district that contains personally identifiable information, as defined in s. 19.62
3 (5), concerning an individual who receives services from the family care district may
4 be disclosed by the family care district without the individual's informed consent,
5 except as required to comply with s. 16.009 (2) (p) or 49.45 (4).

6 **(10) EXCHANGE OF INFORMATION.** Notwithstanding sub. (9) and ss. 48.78 (2) (a),
7 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c)
8 and 938.78 (2) (a), a family care district acting under this section may exchange
9 confidential information about a client, as defined in s. 46.287 (1), without the
10 informed consent of the client, under ss. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
11 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction
12 of the family care district, if necessary to enable the family care district to perform
13 its duties or to coordinate the delivery of services to the client.

14 **(11) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY.** The obligations and debts
15 of the family care district are not the obligations or debts of the county that created
16 the family care district.

17 **(12) ASSISTANCE TO FAMILY CARE DISTRICT.** From moneys in the county treasury
18 that are not appropriated to some other purpose, the county board of supervisors
19 under sub. (1) (a) or the county boards of supervisors under sub. (1) (b) may
20 appropriate moneys to the family care district as a gift or may lend moneys to the
21 family care district.

22 **(13) DISSOLUTION.** Subject to the performance of the contractual obligations of
23 a family care district and if first approved by the secretary of the department, the
24 family care district may be dissolved by the joint action of the family care district
25 board and county board of supervisors under sub. (1) (a) or the county boards of

1 supervisors under sub. (1) (b) that created the family care district. If the family care
2 district is dissolved, the property of the district shall be transferred to the county
3 board of supervisors that created the family care district except as follows:

4 (a) If the family care district was created under sub. (1) (b), the county boards
5 of supervisors shall agree on the apportioning of the family care district's property
6 before the district may be dissolved.

7 (b) If the family care district operates a care management organization under
8 s. 46.284, disposition of any remaining funds in the risk reserve under s. 46.284 (5)
9 (e) shall be made under the terms of the district's contract with the department.

10 ***-0027/4.21* SECTION 1120.** 46.29 (1) (intro.) of the statutes is amended to
11 read:

12 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) ~~(d)~~ (a), the
13 department shall allocate up to \$10,000 in each fiscal year for operation of the council
14 on physical disabilities. The council on physical disabilities shall do all of the
15 following:

16 ***-0271/3.4* SECTION 1121.** 46.40 (1) (a) of the statutes is amended to read:

17 46.40 (1) (a) Within the limits of available federal funds and of the
18 appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and (o), the department
19 shall distribute funds for community social, mental health, developmental
20 disabilities and alcohol and other drug abuse services and for services under ss.
21 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23,
22 51.42 and 51.437 and to county aging units, as provided in subs. (2), (2m) and (7) to
23 (8).

24 ***-0275/4.1* SECTION 1122.** 46.40 (1) (a) of the statutes is amended to read:

1 46.40 (1) (a) Within the limits of available federal funds and of the
2 appropriations under s. 20.435 (3) (o) and (7) (b), (kw) and (o), the department shall
3 distribute funds for community social, mental health, developmental disabilities and
4 alcohol and other drug abuse services and for services under ss. 46.51, 46.87, 46.985
5 and 51.421 to county departments under ss. 46.215, 46.22, 46.23, 51.42 and 51.437
6 and to county aging units, as provided in subs. (2), (2m) and (7) to ~~(8)~~ (9).

7 ***-0271/3.5*** SECTION 1123. 46.40 (1) (bm) of the statutes is created to read:

8 46.40 (1) (bm) If the department receives any federal moneys under 42 USC
9 1396 to 1397e in reimbursement of moneys distributed under par. (a) to counties
10 having a population of less than 500,000 for the provision of case management
11 services for a child who is a recipient of medical assistance, the department shall
12 distribute those federal moneys under sub. (2) to counties having a population of less
13 than 500,000.

14 ***-0275/4.2*** SECTION 1124. 46.40 (2) of the statutes is amended to read:

15 46.40 (2) BASIC COUNTY ALLOCATION. ~~For~~ Subject to sub. (9), for social services
16 under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall
17 distribute not more than ~~\$285,081,000~~ \$277,177,800 for fiscal year ~~1997-98~~
18 1999-2000 and ~~\$284,948,500~~ \$279,462,400 for fiscal year ~~1998-99~~ 2000-01. Of
19 those amounts, the department shall distribute not more than \$4,500,000 in each
20 fiscal year, as provided in s. 46.495 (3), based on performance standards developed
21 under s. 46.47 and incorporated into the contracts under s. 46.031 (2g).

22 ***-0275/4.3*** SECTION 1125. 46.40 (2m) (a) of the statutes is amended to read:

23 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention
24 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the

1 department shall distribute not more than ~~\$10,493,900 in fiscal year 1997–98 and~~
2 ~~not more than \$10,224,100 in fiscal year 1998–99~~ \$11,318,600 in each fiscal year.

3 ***-0275/4.4*** SECTION 1126. 46.40 (8) of the statutes is amended to read:

4 46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. ~~For Subject~~
5 to sub. (9), for services to persons with Alzheimer's disease and their caregivers
6 under s. 46.87, the department shall distribute not more than \$1,877,000 for each
7 fiscal year.

8 ***-0275/4.5*** SECTION 1127. 46.40 (9) of the statutes is created to read:

9 46.40 (9) TRANSFER OR ADJUSTMENT OF COMMUNITY AIDS ALLOCATIONS. (a)
10 *Transfer to family care program and adult protective services allocation.* If a care
11 management organization under s. 46.285 is available in a county, the department
12 may dispose of the amount allocated under sub. (8) to that county and not more than
13 21.3% of the amount allocated under sub. (2) to that county as follows:

14 1. By transferring a portion of those amounts, as determined by the
15 department, to the family care program to fund the services of resource centers under
16 s. 46.283 (5) and the services of care management organizations under s. 46.284 (4).

17 2. By transferring a portion of those amounts, as determined by the
18 department, to the county's adult protective services allocation under par. (b).

19 (b) *Adult protective services allocation.* For adult protective services, the
20 department shall distribute the amounts transferred under par. (a) 2. in each fiscal
21 year.

22 (c) *Adjustment for medical assistance buy-in program.* If a former recipient of
23 services funded under the allocation under sub. (2) is a participant in the medical
24 assistance buy-in program under s. 49.472, the department may decrease that

1 allocation by the amount that the department estimates it will incur in providing
2 services to that participant under s. 49.472.

****NOTE: Section 46.40 (9) (a) and (b) as created by this SECTION, cross-reference the family care program that is being created by LRB-0030. If LRB-0030 is not included in the budget, s. 46.40 (9) (a) and (b) must be deleted from this draft. Similarly, s. 46.40 (9) (c), as created by this SECTION, cross-references the medical assistance buy-in program that is being created in LRB-0266. If LRB-0266 is not included in the budget, s. 46.40 (9) (c) must be deleted from this draft.

3 ***-0271/3.6* SECTION 1128.** 46.45 (2) (a) of the statutes is amended to read:

4 46.45 (2) (a) If on December 31 of any year there remains unspent or
5 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
6 combined amount received under 42 USC 670 to 679a and 42 USC 1396 to 1397e and
7 allocated distributed under s. 46.40 (2) in that year, the department shall carry
8 forward the excess moneys and distribute not less than 50% of the excess moneys to
9 counties having a population of less than 500,000 for services and projects to assist
10 children and families, notwithstanding the percentage limit specified in sub. (3) (a).
11 A county shall use not less than 50% of the moneys distributed to the county under
12 this subsection for services for children who are at risk of abuse or neglect to prevent
13 the need for child abuse and neglect intervention services.

14 ***-0274/1.3* SECTION 1129.** 46.45 (2) (a) of the statutes, as affected by 1999
15 Wisconsin Act (this act), is repealed and recreated to read:

16 46.45 (2) (a) If on December 31 of any year there remains unspent or
17 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
18 amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that
19 year, the department shall carry forward the excess moneys and distribute not less
20 than 50% of the excess moneys to counties having a population of less than 500,000
21 that are making a good faith effort, as determined by the department, to comply with
22 s. 46.22 (1) (c) 8. f. for services and projects to assist children and families. A county

1 shall use not less than 50% of the moneys distributed to the county under this
2 paragraph for services for children who are at risk of abuse or neglect to prevent the
3 need for child abuse and neglect intervention services. If a county does not comply
4 with s. 46.22 (1) (c) 8. f. before July 1, 2006, the department may recover any amounts
5 distributed to that county under this paragraph after June 30, 2001, by billing the
6 county or deducting from that county's allocation under s. 46.40 (2).

***NOTE: Section 46.45 (2) (a), stats., is also treated but with an immediate effective date in LRB-0271. Accordingly, if both LRB-0271 and this draft are included in the budget, the treatment of s. 46.45 (2) (a), stats., by this SECTION must be reconciled with the treatment of s. 46.45 (2) (a), stats., by LRB-0271. If LRB-0271 is not included, " , as affected ..." must be removed from the bill heading; and, in SECTION 9423 (1), "repeal and recreation" should be changed to "treatment".

7 ***-0275/4.6* SECTION 1130.** 46.47 of the statutes is amended to read:

8 **46.47 Community aids performance standards.** The department, after
9 consultation with the department of administration and with county departments
10 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, shall develop performance
11 standards for services funded by community aids funds allocated under s. 46.40. The
12 department shall ~~implement~~ incorporate the performance standards ~~no later than~~
13 July 1, 1996 into all contracts under s. 46.031 (2g) that cover contract periods
14 beginning on or after January 1, 2000.

15 ***-0027/4.22* SECTION 1131.** 46.48 (3) of the statutes is renumbered 46.481 (1).

16 ***-0277/3.5* SECTION 1132.** 46.48 (6) of the statutes is amended to read:

17 **46.48 (6) CAREER YOUTH DEVELOPMENT CENTER.** The department shall distribute
18 ~~\$110,000~~ \$80,000 in each fiscal year to the career youth development center in the
19 city of Milwaukee. ~~Of these amounts, \$80,000 shall be distributed in each fiscal year~~
20 ~~for the operation of a minority youth substance abuse treatment program and~~
21 ~~\$30,000 shall be distributed in each fiscal year for drug prevention programs for high~~
22 ~~school athletes in the Milwaukee public school system.~~

1 ***-0027/4.23*** SECTION 1133. 46.48 (9) of the statutes is renumbered 46.481 (2).

2 ***-0027/4.24*** SECTION 1134. 46.48 (27) of the statutes is renumbered 46.481

3 (3).

4 ***-0320/2.2*** SECTION 1135. 46.48 (27) of the statutes is amended to read:

5 46.48 (27) GRANTS TO RUNAWAY PROGRAMS. The department shall distribute
6 ~~\$100,000~~ \$50,000 in each fiscal year as grants to programs that provide services for
7 ~~runaways~~ runaway children.

8 ***-0027/4.25*** SECTION 1136. 46.48 (28) of the statutes is renumbered 46.481

9 (4).

10 ***-0320/2.3*** SECTION 1137. 46.48 (29) of the statutes is amended to read:

11 46.48 (29) ARC COMMUNITY SERVICES, INC. The department shall distribute
12 ~~\$87,500 in fiscal year 1997-98 and \$175,000 in each fiscal year 1998-99~~ to ARC
13 Community Services, Inc., for a program to provide substance abuse day treatment
14 services for pregnant and postpartum women and their infants.

15 ***-0027/4.26*** SECTION 1138. 46.481 (intro.) of the statutes is created to read:

16 **46.481 Grants for children's community programs.** (intro.) From the
17 appropriation under s. 20.435 (3) (bc), the department shall distribute the following
18 grants for children's community programs:

19 ***-0028/6.50*** SECTION 1139. 46.485 (2g) (intro.) of the statutes is amended to
20 read:

21 46.485 (2g) (intro.) From the appropriation under s. 20.435 (5) ~~(4)~~ (b), the
22 department may in each fiscal year transfer funds to the appropriation under s.
23 20.435 (7) (kb) for distribution under this section and from the appropriation under
24 s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each

1 fiscal year to applying counties in this state that meet all of the following
2 requirements, as determined by the department:

3 ***-0028/6.51* SECTION 1140.** 46.485 (3r) of the statutes is amended to read:

4 46.485 (3r) Funds that a county does not encumber before 24 months after
5 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse
6 to the appropriation under s. 20.435 (5) (4) (b).

7 ***-0271/3.7* SECTION 1141.** 46.495 (1) (am) of the statutes is amended to read:

8 46.495 (1) (am) The department shall reimburse each county from the
9 appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and (o) for social services
10 as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1)
11 (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the
12 administration of or aid granted under s. 49.02.

13 ***-0271/3.8* SECTION 1142.** 46.495 (1) (d) of the statutes is amended to read:

14 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw),
15 (kz) and (o), the department shall distribute the funding for social services, including
16 funding for foster care or treatment foster care of a child on whose behalf aid is
17 received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23
18 as provided under s. 46.40. County matching funds are required for the distributions
19 under s. 46.40 (2) and (8). Each county's required match for a year equals 9.89% of
20 the total of the county's distributions for that year for which matching funds are
21 required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to
22 spend for juvenile delinquency-related services from its distribution for 1987.
23 Matching funds may be from county tax levies, federal and state revenue sharing
24 funds or private donations to the county that meet the requirements specified in s.
25 51.423 (5). Private donations may not exceed 25% of the total county match. If the

1 county match is less than the amount required to generate the full amount of state
2 and federal funds distributed for this period, the decrease in the amount of state and
3 federal funds equals the difference between the required and the actual amount of
4 county matching funds.

5 ***-0275/4.7* SECTION 1143.** 46.495 (1) (d) of the statutes is amended to read:

6 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw)
7 and (o), the department shall distribute the funding for social services, including
8 funding for foster care or treatment foster care of a child on whose behalf aid is
9 received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23
10 as provided under s. 46.40. County matching funds are required for the distributions
11 under s. 46.40 (2) ~~and~~ (8) and (9) (b). Each county's required match for the
12 distributions under s. 46.40 (2) and (8) for a year equals 9.89% of the total of the
13 county's distributions under s. 46.40 (2) and (8) for that year for which matching
14 funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985
15 stats., to spend for juvenile delinquency-related services from its distribution for
16 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a
17 year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for
18 that year. Matching funds may be from county tax levies, federal and state revenue
19 sharing funds or private donations to the county that meet the requirements
20 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
21 match. If the county match is less than the amount required to generate the full
22 amount of state and federal funds distributed for this period, the decrease in the
23 amount of state and federal funds equals the difference between the required and the
24 actual amount of county matching funds.

25 ***-0275/4.8* SECTION 1144.** 46.495 (3) of the statutes is created to read:

1 46.495 (3) The department shall pay any performance-based distribution
2 under s. 46.40 (2) earned by a county department under s. 46.215, 46.22 or 46.23 by
3 December 31 of the year after the year in which the performance-based distribution
4 was earned. The county department may expend that distribution for any purpose
5 specified in s. 20.435 (7) (b).

6 ***-1550/1.3*** SECTION 1145. 46.70 (2) of the statutes is amended to read:

7 46.70 (2) From the appropriations under s. 20.435 (7) (~~dL~~) (kL) and (o), the
8 department may make available to any of the 11 federally recognized tribal
9 governing bodies in this state funds for the purposes stated in sub. (1). Beginning
10 July 1, 1991, and ending September 30, 1991, the department may award to each
11 tribal governing body up to \$6,800. Beginning October 1, 1991, and ending
12 September 30, 1992, the department may award to each tribal governing body up to
13 \$27,200. Beginning October 1, 1992, and ending June 30, 1993, the department may
14 award to each tribal governing body up to \$20,400. Receipt of funds is contingent
15 upon department approval of an application submitted by a tribal governing body.
16 The department may partially approve any application and provide only part of the
17 funds requested. Each application shall contain a plan for expenditure of funds,
18 consistent with the purposes stated in sub. (1).

19 ***-1551/1.3*** SECTION 1146. 46.71 (1) (intro.) of the statutes is amended to read:

20 46.71 (1) (intro.) From the appropriation under s. 20.435 (7) (~~dm~~) (km), the
21 department shall, for the development of new drug abuse prevention, treatment and
22 education programs that are culturally specific with respect to American Indians or
23 to supplement like existing programs, allocate a total of not more than \$500,000 in
24 each fiscal year to all the elected governing bodies of federally recognized American

1 Indian tribes or bands that submit to the department plans, approved by the
2 department, that do all of the following:

3 ***-1551/1.4* SECTION 1147.** 46.71 (2) of the statutes is amended to read:

4 46.71 (2) The amount of funds allocated by the department under sub. (1) may
5 not exceed the amounts appropriated under s. 20.435 (7) (~~dm~~) (km).

6 ***-0277/3.6* SECTION 1148.** 46.715 of the statutes is repealed.

7 ***-1695/1.4* SECTION 1149.** 46.76 (3) of the statutes is repealed.

8 ***-1695/1.5* SECTION 1150.** 46.765 of the statutes is repealed.

9 ***-0027/4.27* SECTION 1151.** 46.81 (2) of the statutes is amended to read:

10 46.81 (2) From the appropriation under s. 20.435 (7) (~~dj~~) (dh), the department
11 shall allocate \$2,298,400 in each fiscal year to aging units to provide benefit
12 specialist services for older individuals. The department shall ensure that each
13 aging unit receives funds and shall take into account the proportion of the state's
14 population of low-income older individuals who reside in a county.

15 ***-0027/4.28* SECTION 1152.** 46.81 (5) of the statutes is amended to read:

16 46.81 (5) From the appropriation under s. 20.435 (7) (~~dj~~) (dh) the department
17 shall allocate \$182,500 in each fiscal year to area agencies on aging. Each area
18 agency on aging shall use the funds for training, supervision and legal back-up
19 services for benefit specialists within its area.

20 ***-0030/P4.69* SECTION 1153.** 46.82 (3) (a) 19. of the statutes is created to read:

21 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
22 under s. 46.283 (1) (a) 1., apply to the department to operate a resource center under
23 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate
24 the resource center.

25 ***-0030/P4.70* SECTION 1154.** 46.82 (3) (a) 20. of the statutes is created to read:

1 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
2 under s. 46.284 (1) (a) 1., apply to the department to operate a care management
3 organization under s. 46.284 and, if the department contracts with the county under
4 s. 46.284 (2), operate the care management organization and, if appropriate, place
5 funds in a risk reserve.

6 *~~0317/1.1~~* SECTION 1155. 46.856 of the statutes is renumbered 46.856 (2),
7 and 46.856 (2) (intro.), as renumbered, is amended to read:

8 46.856 (2) (intro.) From the appropriation under s. 20.435 (7) (bg), the
9 department shall award a grant to at least one public agency or private nonprofit
10 organization, ~~as defined in s. 108.02 (19)~~, to do all of the following:

11 *~~0317/1.2~~* SECTION 1156. 46.856 (1) of the statutes is created to read:

12 46.856 (1) In this section:

13 (a) “Private nonprofit organization” has the meaning given in s. 108.02 (19).

14 (b) “Public agency” means a county, city, village, town or school district or an
15 agency of this state or of a county, city, village, town or school district.

16 *~~0027/4.29~~* SECTION 1157. 46.86 (1) of the statutes is amended to read:

17 46.86 (1) From the appropriation ~~under s. 20.435 (7) (cp) and (md)~~, the
18 ~~department may award funds and from the appropriation~~ under s. 20.435 (7) (md)
19 the department may award not more than \$125,500 in each fiscal year as grants to
20 counties and private nonprofit entities for treatment for pregnant women and
21 mothers with alcohol and other drug abuse treatment needs; mothers who have
22 alcohol and other drug abuse treatment needs and dependent children up to the age
23 of 5 years; and the dependent children up to the age of 5 years of those mothers. The
24 grants shall be awarded in accordance with the department’s request-for-proposal
25 procedures. The grants shall be used to establish community-based programs,

1 residential family-centered treatment programs or home-based treatment
2 programs. The program under a grant must include alcohol and other drug abuse
3 treatment services, parent education, support services for the children of the women
4 who are enrolled in the program, vocational assistance and housing assistance. Any
5 program funded under this subsection must also provide follow-up aftercare
6 services to each woman and her children for at least 2 years after the date on which
7 a woman has left the program.

8 ***-0320/2.4*** SECTION 1158. 46.86 (5) of the statutes is amended to read:

9 46.86 (5) From the appropriation under s. 20.435 (7) (md), the department may
10 not distribute more than ~~\$35,000~~ \$235,000 in each fiscal year as a grant to ~~the ARC~~
11 ~~community services center~~ Community Services, Inc., for women and children in
12 ~~Dane county, to address a projected operation deficit of the center;~~ County, to provide
13 ~~additional~~ funding for staff of the center and transportation and meal expenses for
14 chemically dependent women who receive services from the center; ~~and to provide~~
15 ~~additional funding for staff of the center.~~

16 ***-1549/2.1*** SECTION 1159. 46.86 (6) of the statutes is created to read:

17 46.86 (6) (a) From the appropriation under s. 20.435 (7) (md), the department
18 may award not more than \$1,167,900 in each fiscal year as grants to counties and
19 private entities to provide community-based alcohol and other drug abuse
20 treatment programs that do all of the following:

21 1. Meet special needs of women with problems resulting from alcohol or other
22 drug abuse.

23 2. Emphasize parent education, vocational and housing assistance and
24 coordination with other community programs and with treatment under intensive
25 care.

1 (b) The department shall do all of the following with respect to the grants under
2 par. (a):

3 1. Award the grants in accordance with the department's request-for-proposal
4 procedures.

5 2. Ensure that the grants are distributed in both urban and rural communities.

6 3. Evaluate the programs under the grants by use of client-outcome
7 measurements that the department develops.

8 ***-1604/3.4* SECTION 1160.** 46.93 (2) (intro.) of the statutes is amended to read:

9 46.93 (2) PURPOSE; ALLOCATION. (intro.) From the appropriation under s. 20.434
10 (1) ~~(b)~~ (ky), the board shall award not more than \$439,300 in each of fiscal years
11 ~~1997-98 and 1998-99~~ year for grants to organizations to provide adolescent
12 pregnancy prevention programs or pregnancy services that include health care,
13 education, counseling and vocational training. Types of services and programs that
14 are eligible for grants include all of the following:

15 ***-0271/3.9* SECTION 1161.** 46.985 (7) (a) of the statutes is amended to read:

16 46.985 (7) (a) From the appropriations under s. 20.435 (7) (b), (kw), (kz) and
17 (o), the department shall allocate to county departments funds for the
18 administration and implementation of the program.

19 ***-0277/3.7* SECTION 1162.** 46.99 of the statutes is created to read:

20 **46.99 Brighter futures initiative.** (1) DEFINITION. In this section

21 (a) "Nonprofit corporation" means a nonstock, nonprofit corporation organized
22 under ch. 181.

23 (b) "Public agency" means a county, city, village, town or school district or an
24 agency of this state or of a county, city, village, town or school district.

1 **(2) AWARDING OF GRANTS.** (a) From the appropriations under s. 20.435 (3) (eg)
2 and (nL), the department, beginning on January 1, 2001, shall distribute \$1,250,600
3 in each fiscal year to applying nonprofit corporations and public agencies operating
4 in a county having a population of 500,000 or more, \$1,109,300 in each fiscal year to
5 applying county departments under s. 46.22, 46.23, 51.42 or 51.437 operating in
6 counties other than a county having a population of 500,000 or more and \$7,500 in
7 each fiscal year to applying federally recognized American Indian tribes or bands in
8 this state to provide programs to accomplish all of the following:

9 1. Prevent and reduce the incidence of youth violence and other delinquent
10 behavior.

11 2. Prevent and reduce the incidence of youth alcohol and other drug use and
12 abuse.

13 3. Prevent and reduce the incidence of child abuse and neglect.

14 (b) From the appropriation under s. 20.435 (3) (ky), the department, beginning
15 on January 1, 2001, shall distribute \$769,500 in each fiscal year to applying
16 nonprofit corporations and public agencies operating in a county having a population
17 of 500,000 or more, \$425,100 in each fiscal year to applying county departments
18 under s. 46.22, 46.23, 51.42 or 51.437 operating in counties other than a county
19 having a population of 500,000 or more and \$172,500 in each fiscal year to applying
20 federally recognized American Indian tribes or bands in this state to provide
21 programs to accomplish all of the following:

22 1. Prevent and reduce the incidence of nonmarital pregnancy and increase the
23 use of abstinence as a method of preventing nonmarital pregnancy.

1 2. Increase adolescent self-sufficiency by encouraging high school graduation,
2 vocational preparedness, improved social and other interpersonal skills and
3 responsible decision making.

4 (c) A nonprofit corporation, public agency or American Indian tribe or band that
5 is applying for a grant under par. (a) or (b) shall provide to the department a proposed
6 service plan for the use of the grant moneys. If the department approves the service
7 plan, the department may award the grant. The department shall award the grants
8 on a competitive basis and for a 3-year period.

9 **(3) OUTCOMES EXPECTED.** (a) The department shall provide a set of benchmark
10 indicators to measure the outcomes that are expected of a program funded under sub.
11 (2) (a). Those benchmark indicators shall measure all of the following among youth
12 who have participated in a program funded under sub. (2) (a) or (b):

- 13 1. The rate of participation in violent or other delinquent behavior.
- 14 2. The rate of alcohol and other drug use and abuse.
- 15 3. The rate of nonmarital pregnancy and the rate at which abstinence is used
16 to prevent nonmarital pregnancy.
- 17 4. The rate of substantiated cases of child abuse and neglect.
- 18 5. The development of self-sufficiency, as indicated by the rate of high school
19 graduation, the degree of vocational preparedness, any improvements in social and
20 other interpersonal skills and in responsible decision making and any other
21 indicators that the department considers important in indicating the development
22 of adolescent self-sufficiency.
- 23 6. Any other indicators that the department considers important in indicating
24 the development of positive behaviors among adolescents.

1 (b) The department shall require a grant recipient under sub. (2) (a) or (b) to
2 provide an annual report showing the status of its program participants in terms of
3 the benchmark indicators provided under par. (a) and may renew a grant only if the
4 recipient shows improvement on those indicators.

5 ***-0277/3.8* SECTION 1163.** 46.995 of the statutes is repealed.

6 ***-1548/4.3* SECTION 1164.** 46.995 (2) (intro.) of the statutes is amended to
7 read:

8 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the
9 appropriation account under s. 20.435 (3) (eg) (ky), the department may allocate
10 \$582,100 in each fiscal year to provide a grant annually to a public or private entity
11 or to the elected governing body of a federally recognized American Indian tribe or
12 band to provide services in counties or to a tribe or band for adolescent parents which
13 shall emphasize high school graduation and vocational preparation, training and
14 experience and may be structured so as to strengthen the adolescent parent's
15 capacity to fulfill parental responsibilities by developing social skills and increasing
16 parenting skills. The public or private entity seeking to receive a grant to provide
17 these services shall develop a proposed service plan that is approved by the
18 department. Except with respect to award of a grant to a tribe or band, the
19 department shall rank individual counties and give priority by this ranking for the
20 award of grants under this subsection, based on all of the following factors:

21 ***-1548/4.4* SECTION 1165.** 46.995 (3) of the statutes is amended to read:

22 46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the
23 appropriation under s. 20.435 (3) (eg) (ky), the department may allocate \$340,000 in
24 each fiscal year to provide a grant annually to a public or private entity or to the
25 elected governing body of a federally recognized American Indian tribe or band to

1 provide to high-risk adolescents pregnancy and parenthood prevention services
2 which shall be structured so as to increase development of decision-making and
3 communications skills, promote graduation from high school and expand career and
4 other options and which may address needs of adolescents with respect to pregnancy
5 prevention. Except with respect to award of a grant to a tribe or band, the
6 department shall rank individual counties and give priority by this ranking for the
7 award of grants under this subsection, based on the factors specified under sub. (2)
8 (a) to (d).

9 ***-0277/3.9* SECTION 1166.** 46.996 of the statutes is repealed.

10 ***-1548/4.5* SECTION 1167.** 46.996 (intro.) of the statutes is amended to read:

11 **46.996 Adolescent services.** (intro.) From the appropriation account under
12 s. 20.435 (3) (eg), the department shall ~~allocate funds in~~ distribute \$62,500 and from
13 the appropriation account under s. 20.435 (3) (ky), the department shall distribute
14 \$287,500, for the following amounts:

15 ***-0277/3.10* SECTION 1168.** 46.997 of the statutes is repealed.

16 ***-1548/4.6* SECTION 1169.** 46.997 (2) (intro.) of the statutes is amended to
17 read:

18 46.997 (2) (intro.) From the appropriation account under s. 20.435 (3) (eg), the
19 department shall ~~allocate not more than \$210,000~~ distribute \$52,500 and from the
20 appropriation account under s. 20.435 (3) (ky), the department shall distribute
21 \$157,500 in each fiscal year to make grants to applying organizations for the
22 provision, on a regional or tribal project basis, of information to communities in order
23 to increase community knowledge about problems of adolescents and information to
24 and activities for adolescents, particularly female adolescents, in order to enable the
25 adolescents to develop skills with respect to all of the following:

1 *~~0085/4.1~~* **SECTION 1170.** 48.02 (6) of the statutes is amended to read:

2 48.02 (6) “Foster home” means any facility that is operated by a person
3 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
4 no more than 4 children ~~unless all of the children are siblings or, if necessary to~~
5 enable a sibling group to remain together, for no more than 6 children or, if the
6 department promulgates rules permitting a different number of children, for the
7 number of children permitted under those rules.

8 *~~0273/1.2~~* **SECTION 1171.** 48.55 (title) of the statutes is amended to read:

9 48.55 (title) **State adoption information exchange and state adoption**
10 **center.**

11 *~~0273/1.3~~* **SECTION 1172.** 48.55 of the statutes is renumbered 48.55 (1) and
12 amended to read:

13 48.55 (1) The department shall establish a state adoption information
14 exchange for the purpose of finding adoptive homes for children with special needs
15 who do not have permanent homes. ~~The department shall adopt rules governing the~~
16 ~~adoption information exchange and, from~~ and a state adoption center for the
17 purposes of increasing public knowledge of adoption and promoting to adolescents
18 and pregnant women the availability of adoption services. From the appropriation
19 under s. 20.435 (3) (dg), the department may provide not more than \$75,000 \$125,000
20 in each fiscal year as grants to individuals and private agencies for to provide
21 adoption information exchange services and to operate the state adoption center.

22 *~~0273/1.4~~* **SECTION 1173.** 48.551 (title) and (1) of the statutes are repealed.

23 *~~0273/1.5~~* **SECTION 1174.** 48.551 (2) (intro.) of the statutes is renumbered
24 48.55 (2) (intro.) and amended to read:

1 48.55 (2) (intro.) The department shall promulgate rules governing the
2 adoption information exchange and rules specifying the functions of the state
3 adoption center, ~~which.~~ The rules specifying the functions of the state adoption
4 center shall include all of the following:

5 *~~0273/1.6~~* SECTION 1175. 48.551 (2) (a), (b), (c), (d) and (e) of the statutes are
6 renumbered 48.55 (2) (a), (b), (c), (d) and (e).

7 *~~1463/2.1~~* SECTION 1176. 48.561 (3) (b) of the statutes is amended to read:

8 48.561 (3) (b) The department of administration ~~and a county having a~~
9 ~~population of 500,000 or more shall consult to determine the method by which the~~
10 ~~state will~~ shall collect the amount specified in par. (a). ~~If the department of~~
11 ~~administration and from~~ a county having a population of 500,000 or more ~~reach an~~
12 ~~agreement as to that method and if that agreement calls for~~ by deducting all or part
13 of that amount from any state payment due that county under s. ~~46.40, 79.03, 79.04,~~
14 ~~79.058, 79.06 or 79.08 or for adding a special charge to the amount of taxes~~
15 ~~apportioned to and levied on that county under s. 70.60, the.~~ The department of
16 administration shall notify the department of revenue, by September 15 of each year,
17 of the amount to be deducted from ~~these~~ the state payments due ~~or to be added as~~
18 ~~that special charge.~~ ~~If the department of administration and a county having a~~
19 ~~population of 500,000 or more do not reach an agreement as to that method by~~
20 ~~September 15 of each year, the department of administration shall determine that~~
21 ~~method without the agreement of that county~~ under s. 79.03, 79.04, 79.058, 79.06 or
22 79.08. The department of administration shall credit all amounts collected under
23 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
24 the county from which those amounts are collected of that collection.

1 ***-1462/2.1*** SECTION 1177. 48.57 (3m) (am) (intro.) of the statutes is amended
2 to read:

3 48.57 (3m) (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
4 (kc), the department shall reimburse counties having populations of less than
5 500,000 for payments made under this subsection and shall make payments under
6 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
7 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
8 the department shall may make payments in the amount of \$215 per month to a
9 kinship care relative who is providing care and maintenance for a child if all of the
10 following conditions are met:

11 ***-1462/2.2*** SECTION 1178. 48.57 (3m) (ap) of the statutes is created to read:

12 48.57 (3m) (ap) Notwithstanding fulfillment of the conditions of eligibility
13 specified in par. (am) 1. to 6., a kinship care relative who is providing care and
14 maintenance for a child is not entitled to receive payments under par. (am).

15 ***-1462/2.3*** SECTION 1179. 48.57 (3n) (am) (intro.) of the statutes is amended
16 to read:

17 48.57 (3n) (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
18 (kc), the department shall reimburse counties having populations of less than
19 500,000 for payments made under this subsection and shall make payments under
20 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
21 ~~(ap), a~~ county department and, in a county having a population of 500,000 or more,
22 the department shall may make monthly payments for each child in the amount
23 specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is
24 providing care and maintenance for that child if all of the following conditions are
25 met:

1 ***-1462/2.4*** SECTION 1180. 48.57 (3n) (ap) of the statutes is created to read:

2 48.57 (3n) (ap) Notwithstanding fulfillment of the conditions of eligibility
3 specified in par. (am) 1. to 5r., a long-term kinship care relative who is providing care
4 and maintenance for a child is not entitled to receive payments under par. (am).

5 ***-1462/2.5*** SECTION 1181. 48.57 (3n) (ar) (intro.) of the statutes is amended
6 to read:

7 48.57 (3n) (ar) (intro.) Subject to par. (ap) and sub. (3p) (fm) 1m. and (hm), a
8 county department or, in a county having a population of 500,000 or more, the
9 department ~~shall~~ may enter into an agreement under par. (am) 6. if all of the
10 following conditions are met:

11 ***-0183/1.8*** SECTION 1182. 48.60 (2) (d) of the statutes is amended to read:

12 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
13 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;

14 ***-1732/1.3*** SECTION 1183. 48.60 (2) (h) of the statutes is repealed.

15 ***-0085/4.2*** SECTION 1184. 48.62 (1) (a) of the statutes is amended to read:

16 48.62 (1) (a) Any person who receives, with or without transfer of legal custody,
17 4 or fewer children or ~~more than 4 children if all of the children are siblings, if~~
18 necessary to enable a sibling group to remain together, 6 or fewer children or, if the
19 department promulgates rules permitting a different number of children, the
20 number of children permitted under those rules, to provide care and maintenance for
21 those children shall obtain a license to operate a foster home from the department,
22 a county department or a licensed child welfare agency as provided in s. 48.75.

23 ***-0492/6.1*** SECTION 1185. 48.651 (1) of the statutes is renumbered 48.651
24 (1m), and 48.651 (1m) (intro.) and (a), as renumbered, are amended to read:

1 48.651 (1m) (intro.) Each ~~county department~~ certifying agency shall certify,
2 according to the standards adopted by the department of workforce development
3 under s. 49.155 (1d), each day care provider reimbursed for child care services
4 provided to families determined eligible under s. 49.155 (1m), unless the provider is
5 a day care center licensed under s. 48.65 or is established or contracted for under s.
6 120.13 (14). Each ~~county~~ certifying agency may charge a fee to cover the costs of
7 certification. To be certified under this section, a person must meet the minimum
8 requirements for certification established by the department of workforce
9 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and
10 pay the fee specified in this section. The ~~county~~ certifying agency shall certify the
11 following categories of day care providers:

12 (a) Level I certified family day care providers, as established by the department
13 of workforce development under s. 49.155 (1d). No ~~county~~ certifying agency may
14 certify a provider under this paragraph if the provider is a relative of all of the
15 children for whom he or she provides care.

16 *~~-0492/6.2~~* **SECTION 1186.** 48.651 (1g) of the statutes is created to read:

17 48.651 (1g) In this section, “certifying agency” means a county department, a
18 tribal governing body or a Wisconsin works agency, as defined in s. 49.001 (9),
19 whichever the department of workforce development requires under s. 49.155 (3) (a)
20 to administer the child care subsidy program under s. 49.155.

21 *~~-0492/6.3~~* **SECTION 1187.** 48.651 (2m) of the statutes is amended to read:

22 48.651 (2m) Each ~~county department~~ certifying agency shall provide the
23 department with information about each person who is denied certification for a
24 reason specified in s. 48.685 (2) (a) 1. to 5.

25 *~~-0492/6.4~~* **SECTION 1188.** 48.653 of the statutes is amended to read:

1 **48.653 Information for day care providers.** The department shall provide
2 each day care center licensed under s. 48.65 and each ~~county~~ certifying agency, as
3 defined in s. 48.651 (1g), providing child welfare services with a brochure containing
4 information on basic child care and the licensing and certification requirements for
5 day care providers. Each ~~county agency~~ certifying agency shall provide each day care
6 provider that it certifies with a copy of the brochure.

7 *~~-0492/6.5~~* **SECTION 1189.** 48.685 (1) (a) of the statutes is renumbered 48.685
8 (1) (at).

9 *~~-0492/6.6~~* **SECTION 1190.** 48.685 (1) (am) of the statutes is created to read:
10 48.685 (1) (am) “Certifying agency” has the meaning given in s. 48.651 (1g).

11 *~~-0492/6.7~~* **SECTION 1191.** 48.685 (2) (a) (intro.) of the statutes is amended to
12 read:

13 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
14 par. (ad) and sub. (5), the department may not license, or continue or renew the
15 license of, a person to operate an entity, a ~~county department~~ certifying agency may
16 not certify a day care provider under s. 48.651, a county department or a child welfare
17 agency may not license, or renew the license of, a foster home or treatment foster
18 home under s. 48.62 and a school board may not contract with a person under s.
19 120.13 (14), if the department, county department, child welfare agency, certifying
20 agency or school board knows or should have known any of the following:

21 *~~-1059/2.1~~* **SECTION 1192.** 48.685 (2) (a) (intro.) of the statutes is amended to
22 read:

23 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
24 par. (ad) and sub. (5), if the department, a county department, a child welfare agency
25 or a school board knows or should know any of the following, the department may not

1 license, or continue or renew the license of, a person to operate an entity, a county
2 department may not certify a day care provider under s. 48.651, a county department
3 or a child welfare agency may not license, or renew the license of, a foster home or
4 treatment foster home under s. 48.62 and a school board may not contract with a
5 person under s. 120.13 (14), ~~if the department, county department, child welfare~~
6 ~~agency or school board knows or should have known any of the following:~~

7 *~~0492/6.8~~* **SECTION 1193.** 48.685 (2) (ad) of the statutes is amended to read:

8 48.685 (2) (ad) The department, a county department or a child welfare agency
9 may license a foster home or treatment foster home under s. 48.62, a ~~county~~
10 ~~department~~ certifying agency may certify a day care provider under s. 48.651 and a
11 school board may contract with a person under s. 120.13 (14), conditioned on the
12 receipt of the information specified in par. (am) indicating that the person is not
13 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

14 *~~1059/2.2~~* **SECTION 1194.** 48.685 (2) (ag) (intro.) of the statutes is amended
15 to read:

16 48.685 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
17 sub. (5), if an entity knows or should know any of the following, the entity may not
18 hire or contract with a person who will be under the entity's control, as defined by
19 the department by rule, and who is expected to have access to its clients, or provide
20 to clients of the entity direct care that is more intensive than negligible care in
21 quantity or quality or in amount of time required to provide the care; or the entity
22 may not permit to reside at the entity a person who is not a client and who is expected
23 to have access to a client, ~~if the entity knows or should have known any of the~~
24 following:

1 ***-1059/2.3*** SECTION 1195. 48.685 (2) (ag) (intro.) of the statutes, as affected
2 by 1997 Act 27, section 1664f, and 1999 Wisconsin Act (this act), is repealed and
3 recreated to read:

4 48.685 (2) (ag) (intro.) Notwithstanding s. 111.335, and except as provided in
5 sub. (5), if an entity knows or should know any of the following, the entity may not
6 employ or contract with a person who will be under the entity's control, as defined
7 by the department by rule, and who provides to clients of the entity, or is expected
8 to provide to them, direct care that is more intensive than negligible care in quantity
9 or quality or in amount of time required to provide the care; or the entity may not
10 permit to reside at the entity a person who is not a client and who has, or is expected
11 to have, access to a client:

12 ***-0492/6.9*** SECTION 1196. 48.685 (2) (am) (intro.) of the statutes is amended
13 to read:

14 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
15 county department, a child welfare agency, a certifying agency or a school board shall
16 obtain all of the following with respect to a person specified under par. (a) (intro.) and
17 a person specified under par. (ag) (intro.) who is a nonclient resident or prospective
18 nonclient resident of an entity and shall obtain the information specified in subds.
19 1. to 5. with respect to a person specified in par. (ag) (intro.) who is under 18 years
20 of age, but not under 12 years of age, and who is an employe, prospective employe,
21 contractor, prospective contractor, nonclient resident or prospective nonclient
22 resident of a day care center that is licensed under s. 48.65 or established or
23 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
24 48.651:

1 *~~-1059/2.4~~* SECTION 1197. 48.685 (2) (am) (intro.) of the statutes is amended
2 to read:

3 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
4 county department, a child welfare agency or a school board shall obtain all of the
5 following with respect to a person specified under par. (a) (intro.) ~~and~~, a person
6 specified under par. (ag) (intro.) who is a nonclient resident or prospective nonclient
7 resident of an entity and ~~shall obtain the information specified in subds. 1. to 5. with~~
8 ~~respect to a person specified in par. (ag) (intro.) who is under 18 years of age, but not~~
9 under 12 years of age, and who is an employe, prospective employe, contractor,
10 prospective contractor, nonclient resident or prospective nonclient resident of a day
11 care center that is licensed under s. 48.65 or established or contracted for under s.
12 120.13 (14) or of a day care provider that is certified under s. 48.651:

13 *~~-0492/6.10~~* SECTION 1198. 48.685 (2) (am) 5. of the statutes is amended to
14 read:

15 48.685 (2) (am) 5. Information maintained by the department under this
16 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
17 to the person of a license, continuation or renewal of a license, certification or a
18 contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding
19 any denial to the person of employment at, a contract with or permission to reside
20 at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained
21 under this subdivision indicates that the person has been denied a license,
22 continuation or renewal of a license, certification, a contract, employment or
23 permission to reside as described in this subdivision, the department, a county
24 department, a child welfare agency, a certifying agency or a school board need not
25 obtain the information specified in subds. 1. to 4.

1 ***-1059/2.5* SECTION 1199.** 48.685 (2) (b) 1. (intro.) of the statutes is amended
2 to read:

3 48.685 (2) (b) 1. (intro.) Subject to subds. 1. e. ~~and 2.~~, and 4. and par. (bd), every
4 entity shall obtain all of the following with respect to a person specified under par.
5 (ag) (intro.) who is an employe, prospective employe, contractor or prospective
6 contractor of the entity:

7 ***-1059/2.6* SECTION 1200.** 48.685 (2) (b) 2. of the statutes is repealed.

8 ***-0492/6.11* SECTION 1201.** 48.685 (2) (b) 4. of the statutes is amended to read:

9 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
10 18 years of age, but not under 12 years of age, who is an employe, prospective
11 employe, contractor, prospective contractor, nonclient resident or prospective
12 nonclient resident of a day care center that is licensed under s. 48.65 or established
13 or contracted for under s. 120.13 (14) or of a day care provider that is certified under
14 s. 48.651 and with respect to whom the department, a ~~county department~~ certifying
15 agency or a school board is required under par. (am) (intro.) to obtain the information
16 specified in par. (am) 1. to 5.

17 ***-0492/6.12* SECTION 1202.** 48.685 (2) (bd) of the statutes is amended to read:

18 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
19 department, a child welfare agency, a certifying agency or a school board is not
20 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
21 required to obtain the information specified in par. (b) 1. a. to e., with respect to a
22 person under 18 years of age whose background information form under sub. (6) (am)
23 indicates that the person is not ineligible to be employed, contracted with or
24 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with
25 respect to whom the department, county department, child welfare agency, certifying

1 agency, school board or entity otherwise has no reason to believe that the person is
2 ineligible to be employed, contracted with or permitted to reside at an entity for any
3 of those reasons. This paragraph does not preclude the department, a county
4 department, a child welfare agency, a certifying agency or a school board from
5 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect
6 to a person described in this paragraph who is a nonclient resident or a prospective
7 nonclient resident of an entity.

8 *~~0492/6.13~~* SECTION 1203. 48.685 (2) (bm) of the statutes is amended to read:

9 48.685 (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, the
12 department, county department, child welfare agency, certifying agency, school
13 board or entity shall make a good faith effort to obtain from any state in which the
14 person is a resident or was a resident within the 3 years preceding the date of the
15 search information that is equivalent to the information specified in par. (am) 1. or
16 (b) 1. a.

17 *~~0492/6.14~~* SECTION 1204. 48.685 (3) (a) of the statutes is amended to read:

18 48.685 (3) (a) Every 4 years or at any time within that period that the
19 department, a county department, a child welfare agency, a certifying agency or a
20 school board considers appropriate, the department, county department, child
21 welfare agency, certifying agency or school board shall request the information
22 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or
23 contracted to operate an entity and for all persons specified in par. (ag) (intro.) [sub.
24 (2) (ag) (intro.)] who are nonclient residents of an entity and shall request the
25 information specified in sub. (2) (am) 1. to 5. for all persons under 18 years of age,

1 but not under 12 years of age, who are employes, contractors or nonclient residents
2 of a day care center that is licensed under s. 48.65 or established or contracted for
3 under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

4 ***-1059/2.7* SECTION 1205.** 48.685 (3) (a) of the statutes is amended to read:

5 48.685 (3) (a) Every 4 years or at any time within that period that the
6 department, a county department, a child welfare agency or a school board considers
7 appropriate, the department, county department, child welfare agency or school
8 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
9 who are licensed, certified or contracted to operate an entity ~~and~~, for all persons
10 specified in ~~par. (ag) (intro.)~~ sub. (2) (ag) (intro.) who are nonclient residents of an
11 entity and ~~shall request the information specified in sub. (2) (am) 1. to 5.~~ for all
12 persons specified in sub. (2) (ag) (intro.) who are under 18 years of age, but not under
13 12 years of age, and who are employes, contractors or nonclient residents of a day
14 care center that is licensed under s. 48.65 or established or contracted for under s.
15 120.13 (4) or of a day care provider that is certified under s. 48.651.

16 ***-0492/6.15* SECTION 1206.** 48.685 (3m) of the statutes is amended to read:

17 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
18 county department, a child welfare agency, a certifying agency or a school board has
19 obtained the information required under sub. (2) (am) or (3) (a) with respect to a
20 person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor
21 or nonclient resident of an entity, the entity is not required to obtain the information
22 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

23 ***-0492/6.16* SECTION 1207.** 48.685 (5) (a) of the statutes is amended to read:

24 48.685 (5) (a) The department may license to operate an entity, a ~~county~~
25 ~~department~~ certifying agency may certify under s. 48.651, a county department or

1 a child welfare agency may license under s. 48.62 and a school board may contract
2 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
3 contracted with for a reason specified in sub. (2)(a) 1. to 5., and an entity may employ,
4 contract with or permit to reside at the entity a person who otherwise may not be
5 employed, contracted with or permitted to reside at the entity for a reason specified
6 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county
7 department, the child welfare agency or the school board by clear and convincing
8 evidence and in accordance with procedures established by the department by rule
9 that he or she has been rehabilitated.

10 ***-0492/6.17* SECTION 1208.** 48.685 (5c) (bm) of the statutes is created to read:

11 48.685 (5c) (bm) Any person who is permitted but fails under sub. (5) (a) to
12 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she
13 has been rehabilitated may appeal to the secretary of workforce development or his
14 or her designee. Any person who is adversely affected by a decision of the secretary
15 or his or her designee under this paragraph has a right to a contested case hearing
16 under ch. 227.

17 ***-0492/6.18* SECTION 1209.** 48.685 (5m) of the statutes is amended to read:

18 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
19 a person to operate an entity, a county department or a child welfare agency may
20 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
21 may refuse to employ, contract with or permit to reside at the entity a person specified
22 in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the
23 department has not defined as a "serious crime" by rule promulgated under sub. (7)
24 (a), or specified in the list established by rule under sub. (7) (b), but that is, in the
25 estimation of the department, child welfare agency, or entity, substantially related

1 to the care of a client. Notwithstanding s. 111.335, the department may refuse to
2 license a person to operate a day care center, a ~~county department~~ certifying agency
3 may refuse to certify a day care provider under s. 48.651, a school board may refuse
4 to contract with a person under s. 120.13 (14), a day care center that is licensed under
5 s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider
6 that is certified under s. 48.651 may refuse to employ, contract with or permit to
7 reside at the day care center or day care provider a person specified in sub. (2) (ag)
8 (intro.) if the person has been convicted of or adjudicated delinquent on or after his
9 or her 12th birthday for an offense that the department has not defined as a “serious
10 crime” by rule promulgated under sub. (7) (a), or specified in the list established by
11 rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~
12 ~~department~~ certifying agency, school board, day care center or day care provider
13 substantially related to the care of a client.

14 ***-0492/6.19* SECTION 1210.** 48.685 (6) (a) of the statutes is amended to read:
15 48.685 (6) (a) The department shall require any person who applies for
16 issuance, continuation or renewal of a license to operate an entity, a ~~county~~
17 ~~department~~ certifying agency shall require any day care provider who applies for
18 initial certification under s. 48.651 or for renewal of that certification, a county
19 department or a child welfare agency shall require any person who applies for
20 issuance or renewal of a license to operate a foster home or treatment foster home
21 under s. 48.62 and a school board shall require any person who proposes to contract
22 with the school board under s. 120.13 (14) or to renew a contract under that
23 subsection, to complete a background information form that is provided by the
24 department.