

1 ***-0702/6.42*** **SECTION 1296.** 49.175 (1) (w) (intro.) of the statutes is repealed.

2 ***-0702/6.43*** **SECTION 1297.** 49.175 (1) (w) 1. of the statutes is amended to
3 read:

4 49.175 (1) (w) 1. ‘Kinship care and long-term kinship care assistance.’ For the
5 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n) and (3p),
6 \$15,720,400 \$26,322,200 in fiscal year ~~1997-98~~ 1999-2000 and ~~\$22,116,400~~
7 \$26,618,500 in fiscal year ~~1998-99~~ 2000-01.

8 ***-0702/6.44*** **SECTION 1298.** 49.175 (1) (w) 2. of the statutes is amended to
9 read:

10 49.175 (1) (w) 2. ‘Children of recipients of supplemental security income.’ For
11 payments made under s. 49.775 for the support of the dependent children of
12 recipients of supplemental security income, ~~\$5,550,200~~ \$9,173,200 in fiscal year
13 ~~1997-98~~ 1999-2000 and ~~\$13,260,000~~ \$11,066,900 in fiscal year ~~1998-99~~ 2000-01.

14 ***-0702/6.45*** **SECTION 1299.** 49.175 (1) (w) 3. of the statutes is amended to
15 read:

16 49.175 (1) (w) 3. ‘Community aids.’ For community aids, \$31,800,000 in each
17 fiscal year 1999-2000 and \$18,092,300 in fiscal year 2000-01.

18 ***-0702/6.46*** **SECTION 1300.** 49.175 (1) (w) 4. of the statutes is repealed.

19 ***-0702/6.47*** **SECTION 1301.** 49.175 (1) (w) 5. of the statutes is created to read:

20 49.175 (1) (w) 5. ‘Badger care.’ For eligibility determinations under the badger
21 care program under s. 49.665, \$4,500,000 in each fiscal year.

22 ***-0702/6.48*** **SECTION 1302.** 49.175 (1) (w) 6. of the statutes is created to read:

23 49.175 (1) (w) 6. ‘Early identification of pregnancy.’ For outreach and services
24 under s. 253.085 to low-income pregnant women, \$100,000 in each fiscal year.

25 ***-0702/6.49*** **SECTION 1303.** 49.175 (1) (w) 7. of the statutes is created to read:

1 49.175 (1) (w) 7. ‘Supplemental food program for women, infants and children.’
2 From the appropriation under s. 20.445 (3) (md), for per capita nutritional services
3 and administration funding to local agencies that administer the federal special
4 supplemental food program for women, infants and children under 42 USC 1786 and
5 the state supplemental food program for women, infants and children under s.
6 253.06, \$500,000 in each fiscal year.

7 ***-0702/6.50*** **SECTION 1304.** 49.175 (1) (w) 8. of the statutes is created to read:
8 49.175 (1) (w) 8. ‘Adolescent services and pregnancy prevention programs.’ For
9 adolescent services and pregnancy prevention programs, \$1,806,400 in each fiscal
10 year.

11 ***-0940/6.4*** **SECTION 1305.** 49.175 (1) (x) of the statutes is created to read:
12 49.175 (1) (x) *Brownfields*. For grants under s. 560.13 (2) (am), \$5,000,000 in
13 each fiscal year.

14 ***-1631/7.4*** **SECTION 1306.** 49.175 (1) (y) of the statutes is created to read:
15 49.175 (1) (y) *Badger Challenge program*. For the Badger Challenge program
16 under s. 21.25, \$332,700 in each fiscal year.

17 ***-2024/3.3*** **SECTION 1307.** 49.175 (1) (z) of the statutes is created to read:
18 49.175 (1) (z) *Aid to Milwaukee Public Schools*. For aid to the school district
19 operating under ch. 119 under ss. 119.71, 119.72, 119.75 and 119.82, \$7,570,000 in
20 each fiscal year.

21 ***-0488/1.1*** **SECTION 1308.** 49.185 (3) (d) of the statutes is amended to read:
22 49.185 (3) (d) The individual has been employed in an unsubsidized job for at
23 least 9 6 consecutive months before applying for a grant.

24 ***-0488/1.2*** **SECTION 1309.** 49.185 (3) (i) of the statutes is amended to read:

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1 49.185 (3) (i) The individual contributes, or obtains from other sources, an
2 amount at least equal to the amount of the grant, ~~and obtains funding from other~~
3 ~~sources in an amount at least equal to the amount of the grant~~, for tuition, books,
4 transportation or other direct costs of the training or education.

5 *~~1186/4.22~~* **SECTION 1310.** 49.185 (5) of the statutes is amended to read:

6 49.185 (5) APPLICABILITY. This section applies beginning on ~~the date stated in~~
7 ~~the notice under s. 49.141 (2) (d), or on~~ November 1, 1997, ~~whichever is later.~~

8 *~~1989/3.3~~* **SECTION 1311.** 49.187 of the statutes is created to read:

9 **49.187 Individual development accounts. (1) ADMINISTRATION.** The
10 department may establish a program to permit individuals who are eligible under
11 sub. (2) to establish individual development accounts. If the department establishes
12 the program under this section, the program shall be administered in accordance
13 with P.L. 105-285. The department may contract with community action agencies
14 under s. 46.30 to administer the program under this section.

15 **(2) ELIGIBILITY.** An individual is eligible to establish an individual development
16 account if the all of the following criteria with respect to the individual are met:

17 (a) The individual is at least 18 years old.

18 (b) The individual is a custodial parent, as defined in s. 49.141 (1) (b).

19 (c) The individual meets the eligibility requirements under P.L. 105-285,
20 section 408 (a). In determining the net worth of an individual's household, as
21 required under P.L. 105-285, section 408 (a) (2), the community action agency or the
22 department shall exclude the equity value of vehicles up to a total equity value of
23 \$10,000 and one home that serves as the homestead of the individual's household.

24 **(3) FUNDING FOR AND USE OF AN INDIVIDUAL DEVELOPMENT ACCOUNT.** (a) An
25 individual who establishes an individual development account under this section

1 may deposit into the account only earned income, as defined in section 911 (d) (2) of
2 the Internal Revenue Code of 1986. For every \$1 that the individual deposits in the
3 account, the community action agency with which the department contracts under
4 sub. (1), or, if the department does not enter into a contract under sub. (1), the
5 department, shall deposit not less than 50 cents nor more than \$4 into the account.
6 Moneys deposited in an individual development account may be withdrawn only for
7 emergencies as provided under P.L. 105–285, section 404 (3) or for qualified expenses
8 specified under P.L. 105–285, section 404 (8).

9 (b) An individual who establishes an individual development account under
10 this section shall participate in financial planning and economic education programs
11 offered by the community action agency or by the department.

12 *~~1186/4.23~~* **SECTION 1312.** 49.19 (11s) (a) of the statutes is amended to read:

13 49.19 (11s) (a) The department shall conduct a demonstration project under
14 this subsection pursuant to a waiver from the secretary of the federal department of
15 health and human services beginning on January 1, 1996. To the extent permitted
16 in the waiver, the department may apply pars. (b) to (d) to all recipients of aid under
17 this section or to a test group of recipients of aid under this section determined by
18 the department. Paragraphs (b) to (d) do not apply to persons who are subject to s.
19 49.25, 1997 stats., and shall apply only while a waiver under this paragraph is in
20 effect and only with respect to recipients covered by the waiver.

21 *~~1186/4.24~~* **SECTION 1313.** 49.19 (20) (a) of the statutes is amended to read:

22 49.19 (20) (a) Beginning on January 1, 1999, or beginning on the first day of
23 the 6th month beginning after the date stated in the notice under s. 49.141 (2) (d),
24 1997 stats., whichever is sooner, no person is eligible to receive benefits under this
25 section and no aid may be granted under this section. No additional notice, other

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1 than the enactment of this paragraph, is required to be given under sub. (13) to
2 recipients of aid under this section to terminate their benefits under this paragraph.

3 ***-1186/4.25* SECTION 1314.** 49.191 of the statutes is repealed.

4 ***-1186/4.26* SECTION 1315.** 49.193 of the statutes is repealed.

5 ***-1186/4.27* SECTION 1316.** 49.195 (1) of the statutes is amended to read:

6 49.195 (1) If any parent at the time of receiving aid under s. 49.19 or a benefit
7 under s. 49.148, 49.155 or 49.157 or at any time thereafter acquires property by gift,
8 inheritance, sale of assets, court judgment or settlement of any damage claim, or by
9 winning a lottery or prize, the county granting such aid, or the Wisconsin works
10 agency granting such a benefit, may sue the parent on behalf of the department to
11 recover the value of that portion of the aid or of the benefit which does not exceed the
12 amount of the property so acquired. The value of the aid or benefit liable for recovery
13 under this section may not include the value of work performed by a member of the
14 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
15 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
16 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
17 the 10-year statute of limitations may be pleaded in defense against any suit for
18 recovery under this section; and if such property is his or her homestead it shall be
19 exempt from execution on the judgment of recovery until his or her death or sale of
20 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
21 limitations, where the aid or benefit recipient is deceased a claim may be filed against
22 any property in his or her estate and the statute of limitations specified in s. 859.02
23 shall be exclusively applicable. The court may refuse to render judgment or allow
24 the claim in any case where a parent, spouse or child is dependent on the property
25 for support, and the court in rendering judgment shall take into account the current

1 family budget requirement as fixed by the U.S. department of labor for the
2 community or as fixed by the authorities of the community in charge of public
3 assistance. The records of aid or benefits paid kept by the county, by the department
4 or by the Wisconsin works agency are prima facie evidence of the value of the aid or
5 benefits furnished. Liability under this section shall extend to any parent or
6 stepparent whose family receives aid under s. 49.19 or benefits under s. 49.148,
7 49.155 or 49.157 during the period that he or she is a member of the same household,
8 but his or her liability is limited to such period. This section does not apply to medical
9 and health assistance payments for which recovery is prohibited or restricted by
10 federal law or regulation.

11 *~~0485/4.3~~* **SECTION 1317.** 49.195 (3) of the statutes is amended to read:

12 49.195 (3) A county, tribal governing body, Wisconsin works agency or the
13 department shall determine whether an overpayment has been made under s. 49.19,
14 49.148, 49.155 or 49.157 and, if so, the amount of the overpayment. The county, tribal
15 governing body, Wisconsin works agency or department shall provide notice of the
16 overpayment to the liable person and shall give that person an opportunity for a
17 review following the procedure specified under s. 49.152, or for a hearing under ch.
18 227. Notwithstanding s. 49.96, the department shall promptly recover all
19 overpayments made under s. 49.19, 49.148, 49.155 or 49.157 that have not already
20 been received under s. 49.161 or 49.19 (17) and shall promulgate rules establishing
21 policies and procedures to administer this subsection.

22 *~~0485/4.4~~* **SECTION 1318.** 49.195 (3m) of the statutes is created to read:

23 49.195 (3m) (a) 1. If any person fails to pay to the department any amount
24 determined under sub. (3), no review or appeal of that determination is pending and

1 the time for requesting a review or taking an appeal has expired, the department
2 may issue a warrant directed to the clerk of circuit court of any county.

3 2. The clerk of circuit court shall enter in the judgment and lien docket the
4 name of the person mentioned in the warrant, the amount for which the warrant is
5 issued and the date on which the clerk entered that information.

6 3. A warrant entered under subd. 2. shall be considered in all respects as a final
7 judgment constituting a perfected lien upon the person's right, title and interest in
8 all real and personal property located in the county in which the warrant is entered.

9 4. After issuing a warrant, the department may file an execution with the clerk
10 of circuit court for filing with the sheriff of the county, commanding the sheriff to levy
11 upon and sell sufficient real and personal property of the person to pay the amount
12 stated in the warrant in the same manner as upon an execution against property
13 issued upon the judgment of a court of record, and to return the warrant to the
14 department and pay to it the money collected by virtue of the warrant within 60 days
15 after receipt of the warrant. The execution may not command the sheriff to levy upon
16 or sell any property that is exempt from execution under ss. 815.18 (3) and 815.20.

17 (b) The clerk of circuit court shall accept, file and enter the warrant in the
18 judgment and lien docket without prepayment of any fee, but the clerk of circuit court
19 shall submit a statement of the proper fee semiannually to the department covering
20 the periods from January 1 to June 30 and July 1 to December 31 unless a different
21 billing period is agreed to between the clerk of circuit court and the department. The
22 department shall pay the fees, but shall add the fees provided by s. 814.61 (5) for
23 entering the warrants to the amount of the warrant and shall collect the fees from
24 the person named in the warrant when satisfaction or release is presented for entry.

1 (c) If a warrant that is not satisfied in full is returned, the department may
2 enforce the amount due as if the department had recovered judgment against the
3 person named in the warrant for the same amount.

4 (d) When the amount set forth in a warrant and all costs due the department
5 have been paid to it, the department shall issue a satisfaction of the warrant and file
6 it with the clerk of circuit court. The clerk of circuit court shall immediately enter
7 a satisfaction of the judgment on the judgment and lien docket. The department
8 shall send a copy of the satisfaction to the person named in the warrant.

9 (e) If the department finds that the interests of the state will not be jeopardized,
10 the department may issue a release of any warrant with respect to any real or
11 personal property upon which the warrant is a lien or cloud upon title. Upon
12 presentation to the clerk and payment of the fee for filing the release, the clerk shall
13 enter the release of record. The release is conclusive that the lien or cloud upon the
14 title of the property covered by the release is extinguished.

15 (f) Notwithstanding s. 49.96, at any time after the filing of a warrant, the
16 department may commence and maintain a garnishee action as provided by ch. 812
17 or may use the remedy of attachment as provided by ch. 811 for actions to enforce a
18 judgment. The place of trial of such an action may be either in Dane County or the
19 county where the debtor resides and may not be changed from the county in which
20 that action is commenced, except upon consent of the parties.

21 (g) If the department issues an erroneous warrant, the department shall issue
22 a notice of withdrawal of the warrant to the clerk of circuit court for the county in
23 which the warrant is filed. The clerk shall void the warrant and any resulting liens.

24 *~~0485/4.5~~* **SECTION 1319.** 49.195 (3n) of the statutes is created to read:

25 49.195 (3n) (a) In this subsection:

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- 1 1. "Debt" means the amount of liability determined under sub. (3).
- 2 2. "Debtor" means an individual who is liable under sub. (3).
- 3 3. "Disposable earnings" means that part of the earnings of any debtor after the
4 deduction from those earnings of any amounts required by law to be withheld, any
5 life, health, dental or similar type of insurance premiums, union dues, any amount
6 necessary to comply with a court order to contribute to the support of minor children,
7 and any levy, wage assignment or garnishment executed prior to the date of a levy
8 under this subsection.
- 9 4. "Federal minimum hourly wage" means that wage prescribed by 29 USC 206
10 (a) (1).
- 11 5. "Levy" means all powers of distraint and seizure.
- 12 6. "Property" includes all tangible and intangible personal property and rights
13 to such property, including compensation paid or payable for personal services,
14 whether denominated as wages, salary, commission, bonus or otherwise, periodic
15 payments received pursuant to a pension or retirement program, rents, proceeds of
16 insurance and contract payments.
- 17 (b) If any debtor neglects or refuses to pay a debt after the department has made
18 demand for payment, the department may collect that debt and the expenses of the
19 levy by levy upon any property belonging to the debtor. Whenever the value of any
20 property that has been levied upon under this section is not sufficient to satisfy the
21 claim of the department, the department may levy upon any additional property of
22 the person until the debt and expenses of the levy are fully paid.
- 23 (c) Any person in possession of or obligated with respect to property or rights
24 to property that is subject to levy and upon which a levy has been made shall, upon
25 demand of the department, surrender the property or rights or discharge the

1 obligation to the department, except that part of the property or rights which is, at
2 the time of the demand, subject to any prior attachment or execution under any
3 judicial process.

4 (d) 1. Any debtor who fails or refuses to surrender any property or rights to
5 property that is subject to levy, upon demand by the department, is subject to
6 proceedings to enforce the amount of the levy.

7 2. Any 3rd party who fails to surrender any property or rights to property
8 subject to levy, upon demand of the department, is subject to proceedings to enforce
9 the levy. The 3rd party is not liable to the department under this subdivision for more
10 than 25% of the debt. The department shall serve the levy as provided under par.

11 (m) on any 3rd party who fails to surrender property under this subdivision.
12 Proceedings may not be initiated by the department until 5 days after service of the
13 demand.

14 3. When a 3rd party surrenders the property or rights to the property on
15 demand of the department or discharges the obligation to the department for which
16 the levy is made, the 3rd party is discharged from any obligation or liability to the
17 debtor with respect to the property or rights to the property arising from the
18 surrender or payment to the department.

19 (e) 1. If the department has levied upon property, any person, other than the
20 debtor who is liable to pay the debt out of which the levy arose, who claims an interest
21 in or lien on that property and claims that that property was wrongfully levied upon
22 may bring a civil action against the state in the circuit court for Dane County. That
23 action may be brought whether or not that property has been surrendered to the
24 department. The court may grant only the relief under subd. 2. No other action to

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1 question the validity of or restrain or enjoin a levy by the department may be
2 maintained.

3 2. In an action under subd. 1., if a levy would irreparably injure rights to
4 property, the court may enjoin the enforcement of that levy. If the court determines
5 that the property has been wrongfully levied upon, it may grant a judgment for the
6 amount of money obtained by levy.

7 3. For purposes of an adjudication under this paragraph, the determination of
8 the debt upon which the interest or lien of the department is based is conclusively
9 presumed to be valid.

10 (f) The department shall determine its costs and expenses to be paid in all cases
11 of levy.

12 (g) 1. The department shall apply all money obtained under this subsection
13 first against the expenses of the proceedings and then against the liability in respect
14 to which the levy was made and any other liability owed to the department by the
15 debtor.

16 2. The department may refund or credit any amount left after the applications
17 under subd. 1., upon submission of a claim for that amount and satisfactory proof of
18 the claim, to the person entitled to that amount.

19 (h) The department may release the levy upon all or part of property levied
20 upon to facilitate the collection of the liability or to grant relief from a wrongful levy,
21 but that release does not prevent any later levy.

22 (j) If the department determines that property has been wrongfully levied
23 upon, the department may return the property at any time, or may return an amount
24 of money equal to the amount of money levied upon.

1 (k) Any person who removes, deposits or conceals or aids in removing,
2 depositing or concealing any property upon which a levy is authorized under this
3 subsection with intent to evade or defeat the assessment or collection of any debt may
4 be fined not more than \$5,000 or imprisoned for not more than 3 years or both, and
5 shall be liable to the state for the costs of prosecution.

6 (L) If no appeal or other proceeding for review permitted by law is pending and
7 the time for taking an appeal or petitioning for review has expired, the department
8 shall make a demand to the debtor for payment of the debt which is subject to levy
9 and give notice that the department may pursue legal action for collection of the debt
10 against the debtor. The department shall make the demand for payment and give
11 the notice at least 10 days prior to the levy, personally or by any type of mail service
12 which requires a signature of acceptance, at the address of the debtor as it appears
13 on the records of the department. The demand for payment and notice shall include
14 a statement of the amount of the debt, including interest and penalties, and the name
15 of the debtor who is liable for the debt. The debtor's refusal or failure to accept or
16 receive the notice does not prevent the department from making the levy. Notice
17 prior to levy is not required for a subsequent levy on any debt of the same debtor
18 within one year of the date of service of the original levy.

19 (m) 1. The department shall serve the levy upon the debtor and 3rd party by
20 personal service or by any type of mail service which requires a signature of
21 acceptance.

22 2. Personal service shall be made upon an individual, other than a minor or
23 incapacitated person, by delivering a copy of the levy to the debtor or 3rd party
24 personally; by leaving a copy of the levy at the debtor's dwelling or usual place of
25 abode with some person of suitable age and discretion residing there; by leaving a

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1 copy of the levy at the business establishment with an officer or employe of the
2 establishment; or by delivering a copy of the levy to an agent authorized by law to
3 receive service of process.

4 3. The department representative who serves the levy shall certify service of
5 process on the notice of levy form and the person served shall acknowledge receipt
6 of the certification by signing and dating it. If service is made by mail, the return
7 receipt is the certificate of service of the levy.

8 4. The debtor's or 3rd party's failure to accept or receive service of the levy does
9 not invalidate the levy.

10 (n) Within 20 days after the service of the levy upon a 3rd party, the 3rd party
11 shall file an answer with the department stating whether the 3rd party is in
12 possession of or obligated with respect to property or rights to property of the debtor,
13 including a description of the property or the rights to property and the nature and
14 dollar amount of any such obligation.

15 (p) A levy is effective from the date on which the levy is first served on the 3rd
16 party until the liability out of which the levy arose is satisfied, until the levy is
17 released or until one year from the date of service, whichever occurs first.

18 (q) 1. The debtor is entitled to an exemption from levy of the greater of the
19 following:

20 a. A subsistence allowance of 75% of the debtor's disposable earnings then due
21 and owing.

22 b. An amount equal to 30 times the federal minimum hourly wage for each full
23 week of the debtor's pay period; or, in the case of earnings for a period other than a
24 week, a subsistence allowance computed so that it is equivalent to that amount using

1 a multiple of the federal minimum hourly wage prescribed by the department by
2 rule.

3 2. The first \$1,000 of an account in a depository institution is exempt from any
4 levy to recover a benefit overpayment.

5 (r) No employer may discharge or otherwise discriminate with respect to the
6 terms and conditions of employment against any employe by reason of the fact that
7 his or her earnings have been subject to levy for any one levy or because of compliance
8 with any provision of this subsection. Any person who violates this paragraph may
9 be fined not more than \$1,000 or imprisoned for not more than one year or both.

10 (s) Any debtor who is subject to a levy proceeding made by the department has
11 the right to appeal the levy proceeding under ch. 227.44. The appeal is limited to
12 questions of prior payment of the debt that the department is proceeding against,
13 and mistaken identity of the debtor. The levy is not stayed pending an appeal in any
14 case where property is secured through the levy.

15 (t) Any 3rd party is entitled to a levy fee of \$5 for each levy in any case where
16 property is secured through the levy. The 3rd party shall deduct the fee from the
17 proceeds of the levy.

18 ***-0485/4.6* SECTION 1320.** 49.195 (3n) (k) of the statutes, as created by 1999
19 Wisconsin Act (this act), is amended to read:

20 49.195 (3n) (k) Any person who removes, deposits or conceals or aids in
21 removing, depositing or concealing any property upon which a levy is authorized
22 under this subsection with intent to evade or defeat the assessment or collection of
23 any debt may be fined not more than \$5,000 or imprisoned for not more than ~~3 years~~
24 4 years and 6 months or both, and shall be liable to the state for the costs of
25 prosecution.

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1 ***-0485/4.7*** **SECTION 1321.** 49.195 (3n) (r) of the statutes, as created by 1999
2 Wisconsin Act (this act), is amended to read:

3 49.195 **(3n)** (r) No employer may discharge or otherwise discriminate with
4 respect to the terms and conditions of employment against any employe by reason
5 of the fact that his or her earnings have been subject to levy for any one levy or
6 because of compliance with any provision of this subsection. Any person who violates
7 this paragraph may be fined not more than \$1,000 or imprisoned for not more than
8 ~~one year~~ 2 years or both.

9 ***-0485/4.8*** **SECTION 1322.** 49.195 (3p) of the statutes is created to read:
10 49.195 **(3p)** The availability of the remedies under subs. (3m) and (3n) does not
11 abridge the right of the department to pursue other remedies.

12 ***-0485/4.9*** **SECTION 1323.** 49.195 (3r) of the statutes is created to read:
13 49.195 **(3r)** From the appropriation under s. 20.445 (3) (L) the department may
14 contract with or employ a collection agency or other person to enforce a repayment
15 obligation of a person who is found liable under sub. (3) who is delinquent in making
16 repayments.

17 ***-1186/4.28*** **SECTION 1324.** 49.20 of the statutes is repealed.

18 ***-1186/4.29*** **SECTION 1325.** 49.21 of the statutes is repealed.

19 ***-0497/4.3*** **SECTION 1326.** 49.23 (1) of the statutes is amended to read:
20 49.23 **(1)** From the appropriation under s. 20.445 (3) ~~(eb)~~ (k), the department
21 shall award grants to counties for programs to revise child support orders. Each
22 county receiving a grant shall review child support orders awarded to persons who
23 receive benefits under s. 48.57 (3m) or (3n) or 49.148 or whose children receive
24 benefits under s. 49.19 and to persons who do not receive benefits under s. 48.57 (3m)
25 or (3n) or 49.148 and whose children do not receive benefits under s. 49.19 and shall

1 initiate actions to revise the orders based on that review. Each county receiving a
2 grant shall review child support orders awarded to persons who receive benefits
3 under s. 48.57 (3m) or (3n) or 49.148 or whose children receive benefits under s. 49.19
4 and child support orders awarded to persons who do not receive benefits under s.
5 48.57 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19
6 in proportion to the number of those 2 categories of orders in the county's child
7 support case load. Before a county may initiate an action to revise a child support
8 order under this subsection for a person who does not receive benefits under s. 48.57
9 (3m) or (3n) or 49.148 and whose children do not receive benefits under s. 49.19, the
10 custodial parent of the children must voluntarily consent to the revision.

11 *~~0497/4.4~~* **SECTION 1327.** 49.23 (2) (a) (intro.) of the statutes is amended to
12 read:

13 49.23 (2) (a) (intro.) From the appropriation under s. 20.445 (3) ~~(eb)~~ (k), the
14 department shall provide state incentive payments, in a total amount of not less than
15 \$259,000 in each fiscal year, to counties that meet the child support collection and
16 child support administrative efficiency criteria, according to a distribution formula
17 determined by the department that does all of the following:

18 *~~0497/4.5~~* **SECTION 1328.** 49.23 (2) (a) 3. of the statutes is repealed.

19 *~~0497/4.6~~* **SECTION 1329.** 49.24 (1) of the statutes, as affected by 1997
20 Wisconsin Act 27, section 1882n, is amended to read:

21 49.24 (1) From the appropriation under s. 20.445 (3) (k), the department shall
22 provide child support incentive payments to counties to offset reduced federal child
23 support incentive payments. Total payments under this subsection may not exceed
24 ~~\$3,178,000~~ \$3,850,000 in fiscal year ~~1997-98~~ 1999-2000 or \$3,850,000 in fiscal year
25 ~~1998-99~~ 2000-01.

1 ***-1186/4.30*** SECTION 1330. 49.25 of the statutes is repealed.

2 ***-1186/4.31*** SECTION 1331. 49.26 (1) (h) 1. as. of the statutes is amended to
3 read:

4 49.26 (1) (h) 1. as. The individual has failed to request a hearing or has failed
5 to show good cause for not cooperating with case management efforts in a hearing.
6 ~~If the individual is a recipient of aid under s. 49.19, the hearing shall be requested~~
7 ~~and held under s. 49.21 (1). If the individual is a member of a Wisconsin works group,~~
8 ~~as defined in s. 49.141 (1) (s), the~~ The hearing shall be requested and held under s.
9 49.152. The department shall determine by rule the criteria for good cause.

10 ***-1186/4.32*** SECTION 1332. 49.27 of the statutes is repealed.

11 ***-0500/1.1*** SECTION 1333. 49.30 (1m) (c) of the statutes is created to read:

12 49.30 (1m) (c) If a request for payment under sub. (1) is made more than 12
13 months after the death of the recipient, the county or applicable tribal governing
14 body or organization responsible for burial of the recipient is not required to make
15 a payment for cemetery, funeral or burial expenses.

16 ***-1186/4.33*** SECTION 1334. 49.36 (2) of the statutes is amended to read:

17 49.36 (2) The department may contract with any county or Wisconsin works
18 agency to administer a work experience and job training program for parents who
19 are not custodial parents and who fail to pay child support or to meet their children's
20 needs for support as a result of unemployment or underemployment. The program
21 may provide the kinds of work experience and job training services available from
22 the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The program may
23 also include job search and job orientation activities. The department shall fund the
24 program from the appropriation under s. 20.445 (3) (dz).

****NOTE: This is reconciled s. 49.36 (2). This section has been affected by the following LRB drafts: -0786/1 and 1186/3.

1 ***-1186/4.34* SECTION 1335.** 49.36 (3) (g) of the statutes is repealed.

****NOTE: This is reconciled s. 49.36 (3) (g). This section has been affected by the following LRB drafts: -0786/1 and 1186/3.

2 ***-0786/2.1* SECTION 1336.** 49.36 (7) of the statutes is amended to read:

3 49.36 (7) The department shall pay a county or Wisconsin works agency \$200
4 \$400 for each person who participates in the program under this section in the region
5 in which the county or Wisconsin works agency administers the program under this
6 section. The county or Wisconsin works agency shall pay any additional costs of the
7 program.

8 ***-0702/6.51* SECTION 1337.** 49.37 of the statutes is repealed.

9 ***-0266/3.2* SECTION 1338.** 49.43 (8) of the statutes is amended to read:

10 49.43 (8) “Medical assistance” means any services or items under ss. 49.45 to
11 49.47 49.472, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or
12 reimbursement made for such services or items.

13 ***-0028/7.45* SECTION 1339.** 49.45 (2) (a) 4. of the statutes is amended to read:

14 49.45 (2) (a) 4. To the extent funds are available under s. 20.435 ~~(1)~~ (4) (bm),
15 certify all proper charges and claims for administrative services to the department
16 of administration for payment and the department of administration shall draw its
17 warrant forthwith.

18 ***-1098/3.1* SECTION 1340.** 49.45 (2) (a) 9. of the statutes is amended to read:

19 49.45 (2) (a) 9. Periodically ~~set forth~~ prescribe conditions of participation and
20 terms of reimbursement in a contract with provider of service under this section.

21 ***-1098/3.2* SECTION 1341.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45

22 (2) (a) 10. a. and amended to read:

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1 49.45 (2) (a) 10. a. ~~After reasonable notice and opportunity for hearing, recover~~
2 Recover money improperly or erroneously paid, or overpayments to a provider either
3 by offsetting or adjusting amounts owed the provider under the program, crediting
4 against a provider's future claims for reimbursement for other services or items
5 furnished by the provider under the program, ~~or by~~ or requiring the provider to make
6 direct payment to the department or its fiscal intermediary.

7 ***-1098/3.3*** SECTION 1342. 49.45 (2) (a) 10. b. of the statutes is created to read:

8 49.45 (2) (a) 10. b. Promptly afford the provider an opportunity to present
9 information and argument regarding a recovery imposed under this subdivision, but
10 the department need not stay collection of the amount to be recovered pending that
11 opportunity.

12 ***-1098/3.4*** SECTION 1343. 49.45 (2) (a) 10. c. of the statutes is created to read:

13 49.45 (2) (a) 10. c. Establish a deadline for payment of a recovery imposed under
14 this subdivision and, if a provider fails to pay all of the amount to be recovered by the
15 deadline, require payment by the provider of interest on any delinquent amount at
16 the rate of 1% per month or fraction of a month from the date of the overpayment.

17 ***-1098/3.5*** SECTION 1344. 49.45 (2) (a) 11. of the statutes is amended to read:

18 49.45 (2) (a) 11. Establish criteria for ~~the~~ certification of ~~eligible~~ providers of
19 ~~services under Title XIX of the social security act~~ medical assistance and, except as
20 provided in par. (b) 6. and 7. and s. 49.48, certify ~~such eligible providers~~ who meet
21 the criteria.

22 ***-1098/3.6*** SECTION 1345. 49.45 (2) (a) 12. of the statutes is amended to read:

23 49.45 (2) (a) 12. Decertify ~~or suspend under this subdivision~~ a provider from
24 or restrict a provider's participation in the medical assistance program, if after
25 giving reasonable notice and opportunity for hearing, the department finds that the

1 provider has violated a federal statute or regulation or a state law statute or
2 administrative rule and ~~such violations are~~ the violation is by law statute, regulation
3 or rule grounds for decertification or ~~suspension~~ restriction. The department shall
4 suspend the provider pending the hearing under this subdivision if the department
5 includes in its decertification notice findings that the provider's continued
6 participation in the medical assistance program pending hearing is likely to lead to
7 the irretrievable loss of public funds and is unnecessary to provide adequate access
8 to services to medical assistance recipients. As soon as practicable after the hearing,
9 the department shall issue a written decision. No payment may be made under the
10 medical assistance program with respect to any service or item furnished by the
11 provider subsequent to decertification or during the period of suspension.

12 ***-1098/3.7* SECTION 1346.** 49.45 (2) (a) 13. of the statutes is amended to read:
13 49.45 (2) (a) 13. Impose additional sanctions for noncompliance with the
14 conditions of participation and terms of provider agreements reimbursement under
15 subd. 9. or certification criteria established under subd. 11. and, if prescribed by the
16 department, under par. (b) 6. or 7.

17 ***-1098/3.8* SECTION 1347.** 49.45 (2) (a) 14. of the statutes is repealed.

18 ***-0028/7.46* SECTION 1348.** 49.45 (2) (a) 17. of the statutes is amended to read:
19 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
20 organization, the joint committee on finance and appropriate standing committees,
21 as determined by the presiding officer of each house, if the appropriation under s.
22 20.435 ~~(5)~~ (4) (b) is insufficient to provide the state share of medical assistance.

23 ***-1098/3.9* SECTION 1349.** 49.45 (2) (b) 6. of the statutes is created to read:
24 49.45 (2) (b) 6. Prescribe criteria for certification of providers of medical
25 assistance that limit the number of providers of particular services or that limit the

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1 amount of resources, including employes and equipment, that a certified provider
2 may use to provide particular services to medical assistance recipients, if the
3 department finds all of the following:

4 a. That existing certified providers and resources provide services that are
5 adequate in quality and amount to meet the need of medical assistance recipients for
6 the particular services.

7 b. That the potential for medical assistance fraud or abuse exists if additional
8 providers are certified or additional resources are used by certified providers.

9 ***-1098/3.10* SECTION 1350.** 49.45 (2) (b) 7. of the statutes is created to read:

10 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
11 providers of a specific service that is among those enumerated under s. 49.46 (2) (b)
12 or 49.47 (6) (a), as specified in this subdivision, to file with the department a surety
13 bond issued by a surety company licensed to do business in this state. Providers
14 subject to this subdivision provide those services specified under s. 49.46 (2) (b) or
15 49.47 (6) (a) for which providers have demonstrated significant potential to violate
16 s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a) or (4m) (a),
17 to require recovery under par. (a) 10. or to need additional sanctions under par. (a)
18 13. The surety bond shall be payable to the department and in an amount that would
19 reasonably pay the amount of a recovery and the department's costs to pursue
20 recovery under par. (a) 10. or to investigate and pursue allegations of violations of
21 s. 49.489 or 49.49. The department shall promulgate rules under this subdivision
22 that specify all of the following:

23 a. Services under medical assistance for which providers have demonstrated
24 significant potential to violate s. 49.489 (2) or (3) or 49.49 (1) (a), (2) (a) or (b), (3), (3m)

1 (a), (3p), (4) (a) or (4m) (a), to require recovery under par. (a) 10. or to need additional
2 sanctions under par. (a) 13.

3 b. The amount or amounts of the surety bonds.

4 c. Terms of the surety bond, including amounts, if any, without interest to be
5 refunded to the provider upon withdrawal or decertification from the medical
6 assistance program.

7 ***-0030/1.71* SECTION 1351.** 49.45 (3) (ag) of the statutes is amended to read:
8 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
9 under s. ~~46.271 (2m)~~ 46.281 (1) (d) for ~~assessments completed~~ functional screens
10 performed under s. ~~46.271 (2m) (a) 2.~~ 46.281 (1) (d).

11 ***-0028/7.47* SECTION 1352.** 49.45 (3) (am) 1. of the statutes is amended to
12 read:

13 49.45 (3) (am) 1. From the appropriation under s. 20.435 ~~(1)~~ (4) (bm), the
14 department shall make incentive payments to counties to encourage counties to
15 identify medical assistance applicants and recipients who have other health care
16 coverage and the providers of the health care coverage and give that information to
17 the department.

18 ***-1098/3.11* SECTION 1353.** 49.45 (3) (f) 3. of the statutes is amended to read:

19 49.45 (3) (f) 3. Contractors under sub. (2) (b) shall maintain records as required
20 by the department for audit purposes. ~~Contractors~~ Upon request of the department,
21 contractors shall immediately provide the department access to the records ~~upon~~
22 ~~request of the department, and, which~~ the department may audit ~~the records.~~

23 ***-1098/3.12* SECTION 1354.** 49.45 (3) (g) of the statutes is amended to read:

24 49.45 (3) (g) The secretary may ~~appoint~~ authorize personnel to audit or
25 investigate and report to the department on any matter involving violations or

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1 complaints alleging violations of laws statutes, regulations, or rules applicable to
2 ~~Title XIX of the federal social security act or~~ the medical assistance program and to
3 perform such investigations or audits as are required to verify the actual provision
4 of services or items available under the medical assistance program and the
5 appropriateness and accuracy of claims for reimbursement submitted by providers
6 participating in the program. Department employees ~~appointed~~ authorized by the
7 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~
8 ~~which~~ while they are performing their investigatory or audit functions under this
9 section, identification, signed by the secretary ~~which, that~~ specifically designates the
10 bearer as possessing the authorization to conduct medical assistance investigations
11 or audits. ~~Pursuant to~~ Under the request of a designated person and upon
12 presentation of ~~that~~ the person's authorization, providers and medical assistance
13 recipients shall immediately accord ~~such~~ the person access to any provider
14 personnel, records, books, ~~recipient medical records,~~ or documents or other
15 information needed. Under the written request of a designated person and upon
16 presentation of the person's authorization, providers and recipients shall
17 immediately accord the person access to any needed patient health care records of
18 a recipient. Authorized employees ~~shall have authority to~~ may hold hearings,
19 administer oaths, take testimony and perform all other duties necessary to bring
20 ~~such~~ the matter before the department for final adjudication and determination.

21 *~~1098/3.13~~* **SECTION 1355.** 49.45 (3) (h) 1. of the statutes is repealed.

22 *~~1098/3.14~~* **SECTION 1356.** 49.45 (3) (h) 2. of the statutes is repealed.

23 *~~1098/3.15~~* **SECTION 1357.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45

24 (3) (h) and amended to read:

1 49.45 (3) (h) ~~The failure or refusal of a person to purge himself or herself of~~
2 ~~contempt found under s. 885.12 and perform the act as required by law shall~~
3 ~~constitute provider immediately to accord department auditors under par. (f) 3. or~~
4 ~~investigators under par. (g) access to any provider personnel, records, books, patient~~
5 ~~health care records of medical assistance recipients or documents or other~~
6 ~~information requested constitutes grounds for decertification or suspension of that~~
7 ~~person the provider~~ from participation in the medical assistance program and no
8 payment may be made for services rendered by ~~that person subsequent to the~~
9 ~~provider following~~ decertification or during the period of suspension.

10 *~~-0028/7.48~~* SECTION 1358. 49.45 (3) (j) of the statutes is amended to read:

11 49.45 (3) (j) Reimbursement for administrative contract costs under this
12 section is limited to the funds available under s. 20.435 ~~(1)~~ (4) (bm).

13 *~~-0264/3.1~~* SECTION 1359. 49.45 (5m) (a) of the statutes is renumbered 49.45
14 (5m) (am) and amended to read:

15 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations under
16 s. 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$2,256,000
17 in each fiscal year, to provide supplemental funds to rural hospitals that, as
18 determined by the department, have high utilization of inpatient services by
19 patients whose care is provided from governmental sources, and to provide
20 supplemental funds to critical access hospitals, except that the department may not
21 distribute funds to a rural hospital or to a critical access hospital to the extent that
22 the distribution would exceed any limitation under 42 USC 1396b (i) (3).

 ****NOTE: This is reconciled s. 49.45 (5m) (am). This paragraph has been affected
by drafts with the following LRB numbers: LRB-0028/6 and LRB-0264/2.

23 *~~-0264/3.2~~* SECTION 1360. 49.45 (5m) (ag) of the statutes is created to read:

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1 49.45 (5m) (ag) In this subsection, “critical access hospital” has the meaning
2 given in s. 50.33 (1g).

3 *~~-0264/3.3~~* **SECTION 1361.** 49.45 (5m) (b) of the statutes is amended to read:

4 49.45 (5m) (b) The supplemental funding for rural hospitals under par. (a) ~~(am)~~
5 shall be based on the utilization, by recipients of medical assistance, of the total
6 inpatient days of a rural hospital in relation to that utilization in other rural
7 hospitals.

8 *~~-0328/1.1~~* **SECTION 1362.** 49.45 (6b) (intro.) of the statutes is renumbered
9 49.45 (6b) and amended to read:

10 49.45 (6b) **CENTERS FOR THE DEVELOPMENTALLY DISABLED.** From the
11 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
12 services provided by the centers for the developmentally disabled. Reimbursement
13 to the centers for the developmentally disabled shall be reduced following each
14 placement made under s. 46.275 ~~which~~ that involves a relocation from a center for
15 the developmentally disabled, ~~as follows:~~ by \$184 per day, beginning in fiscal year
16 1999–2000, and by \$190 per day, beginning in fiscal year 2000–01.

17 *~~-0328/1.2~~* **SECTION 1363.** 49.45 (6b) (a) of the statutes is repealed.

18 *~~-0328/1.3~~* **SECTION 1364.** 49.45 (6b) (b) of the statutes is repealed.

19 *~~-0328/1.4~~* **SECTION 1365.** 49.45 (6b) (c) of the statutes is repealed.

20 *~~-0028/7.49~~* **SECTION 1366.** 49.45 (6m) (ag) (intro.) of the statutes is amended
21 to read:

22 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
23 subsection made under s. 20.435 ~~(1)(4)(b), (p) or (5)(b)~~ or (o) shall, except as provided
24 in pars. (bg), (bm) and (br), be determined according to a prospective payment system
25 updated annually by the department. The payment system shall implement

1 standards that are necessary and proper for providing patient care and that meet
2 quality and safety standards established under subch. II of ch. 50 and ch. 150. The
3 payment system shall reflect all of the following:

****NOTE: This redraft (-0028/5) deletes treatment of s. 49.45 (6m) (ag) 8., which is
repealed in LRB-1756. If LRB-1756 is not included in the budget bill, the treatment
should be restored.

4 ***-1756/2.1* SECTION 1367.** 49.45 (6m) (ag) 3m. of the statutes is repealed.

5 ***-1756/2.2* SECTION 1368.** 49.45 (6m) (ag) 8. of the statutes is repealed.

6 ***-1756/2.3* SECTION 1369.** 49.45 (6m) (ar) 1. a. of the statutes is amended to
7 read:

8 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
9 allowable direct care costs, for facilities that do not primarily serve the
10 developmentally disabled, that ~~are not less than the median for take into account~~
11 direct care costs for a sample of all of those facilities in this state and separate
12 standards for payment of allowable direct care costs, for facilities that primarily
13 serve the developmentally disabled, that ~~are not less than the median for take into~~
14 account direct care costs for a sample of all of those facilities in this state. The
15 standards shall be adjusted by the department for regional labor cost variations.

16 ***-1756/2.4* SECTION 1370.** 49.45 (6m) (ar) 1. cm. of the statutes is amended
17 to read:

18 49.45 (6m) (ar) 1. cm. ~~Notwithstanding the limitations under par. (ag) 8.,~~
19 ~~funding~~ Funding distributed to facilities for the provision of active treatment to
20 residents with a diagnosis of developmental disability shall be distributed in
21 accordance with a method developed by the department which is consistent with a
22 prudent buyer approach to payment for services.

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1 *~~1756/2.5~~* SECTION 1371. 49.45 (6m) (ar) 2. a. of the statutes is amended to
2 read:

3 49.45 (6m) (ar) 2. a. The department shall establish one or more standards for
4 the payment of support service costs that ~~are not less than the median of take into~~
5 account support service costs for a sample of all facilities within the state.

6 *~~1756/2.6~~* SECTION 1372. 49.45 (6m) (ar) 3. a. of the statutes is amended to
7 read:

8 49.45 (6m) (ar) 3. a. The department shall establish standards, adjusted for
9 heating degree day variations in the state, for payment of fuel and utility costs that
10 ~~are not less than the median of take into account~~ heating fuel and utility costs for a
11 sample of all facilities within the state.

12 *~~1756/2.7~~* SECTION 1373. 49.45 (6m) (ar) 4. of the statutes is amended to read:

13 49.45 (6m) (ar) 4. For net property taxes or municipal services, payment shall
14 be made for ~~these costs that range from~~ the amount of the previous calendar year's
15 tax or the amount of municipal service costs for a period specified by the department,
16 subject to a maximum limit as determined by the department.

17 *~~1756/2.8~~* SECTION 1374. 49.45 (6m) (ar) 5. a. of the statutes is amended to
18 read:

19 49.45 (6m) (ar) 5. a. The department shall establish one or more standards for
20 the payment of administrative and general costs that ~~are not less than the median~~
21 of take into account administrative and general costs for a sample of all facilities
22 within the state.

23 *~~1756/2.9~~* SECTION 1375. 49.45 (6m) (ar) 6. of the statutes is amended to read:

24 49.45 (6m) (ar) 6. Capital payment shall be based on a replacement value for
25 a facility. The replacement value shall be determined by a commercial estimator

1 contracted for by the department and paid for by the facility. The replacement value
2 shall be subject to limitations determined by the department, ~~except that the~~
3 ~~department may not reduce final capital payment of a facility by more than \$3.50 per~~
4 ~~patient day.~~

5 ***-1756/2.10* SECTION 1376.** 49.45 (6m) (av) 1. of the statutes is amended to
6 read:

7 49.45 (6m) (av) 1. The department shall calculate a payment rate for a facility
8 by applying the criteria set forth under pars. (ag) 1. to 5., and 7. ~~and 8.~~, (am) 1. to 5.
9 and (ar) 1. to 5. to information from cost reports submitted by the facility.

10 ***-1756/2.11* SECTION 1377.** 49.45 (6m) (av) 5m. of the statutes is amended to
11 read:

12 49.45 (6m) (av) 5m. ~~Notwithstanding the limitations under par. (ag) 8., the~~ The
13 rate under subd. 1., 4. or 5. may be adjusted by the department to reflect payments
14 for the provision of active treatment to facility residents with a diagnosis of
15 developmental disability.

16 ***-1756/2.12* SECTION 1378.** 49.45 (6m) (bp) (intro.) of the statutes is amended
17 to read:

18 49.45 (6m) (bp) (intro.) Notwithstanding pars. ~~(ag) 3m.,~~ (am) 6. and (ar) 6., the
19 department may establish payment methods based on actual costs for capital
20 payment for a facility to which, after December 31, 1982, any of the following applies:

21 ***-0027/5.31* SECTION 1379.** 49.45 (6m) (br) 1. of the statutes is amended to
22 read:

23 49.45 (6m) (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 (5) (4) ~~(bt) or (bu)~~
24 or (7) (b) or 20.445 (3) (dz), the department shall reduce allocations of funds to
25 counties in the amount of the disallowance from the appropriation account under s.

1 20.435 ~~(5)~~ (4) (bt) ~~or (bu)~~ or (7) (b), or the department shall direct the department of
2 workforce development to reduce allocations of funds to counties or Wisconsin works
3 agencies in the amount of the disallowance from the appropriation account under s.
4 20.445 (3) (dz) or direct the department of corrections to reduce allocations of funds
5 to counties in the amount of the disallowance from the appropriation account under
6 s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.

****NOTE: This provision contains a cross-reference to s. 20.435 (5) (bt), which is
renumbered in this bill to s. 20.435 (4) (bt) to conform to the changes in LRB-0028. If
LRB-0028 is not included in the budget bill, this renumbering should be deleted.

7 ***-0030/1.72* SECTION 1380.** 49.45 (6m) (c) 5. of the statutes is amended to
8 read:

9 49.45 **(6m)** (c) 5. Admit only patients assessed or who waive or are exempt from
10 the requirement of assessment under s. 46.27 (6) (a) or, if required under s. 50.035
11 (4n) or 50.04 (2h), who have been referred to a resource center.

12 ***-0028/7.50* SECTION 1381.** 49.45 (6t) (intro.) of the statutes is amended to
13 read:

14 49.45 **(6t)** COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
15 DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(5)~~ (4) (o), for
16 reduction of operating deficits, as defined under criteria developed by the
17 department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42
18 or by a local health department, as defined in s. 250.01 (4), for services provided
19 under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management
20 services under s. 49.46 (2) (b) 12. and for mental health day treatment services for
21 minors provided under the authorization under 42 USC 1396d (r) (5), the department
22 shall allocate up to \$4,500,000 in each fiscal year to these county departments, or

1 local health departments as determined by the department, and shall perform all of
2 the following:

3 ***-0028/7.51* SECTION 1382.** 49.45 (6t) (d) of the statutes is amended to read:

4 49.45 (6t) (d) If the federal department of health and human services approves
5 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result
6 in a lesser allocation amount than that allocated under this subsection or disallows
7 use of the allocation of federal medicaid funds under par. (c), reduce allocations under
8 this subsection and distribute on a prorated basis, as determined by the department.

9 ***-1756/2.13* SECTION 1383.** 49.45 (6u) (intro.) of the statutes is amended to
10 read:

11 49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)
12 Notwithstanding sub. (6m), from the appropriation under s. 20.435 (5) (4) (o), for
13 reduction of operating deficits, as defined under criteria developed by the
14 department, incurred by a facility, as defined under sub. (6m) (a) 3., that is
15 established under s. 49.70 (1) or that is owned and operated by a city, village or town,
16 the department may not distribute to these facilities more than \$38,600,000 in each
17 fiscal year, as determined by the department, except that the department shall also
18 distribute for this same purpose from the appropriation under s. 20.435 (5) (4) (o) any
19 additional federal medical assistance moneys that were not anticipated before
20 enactment of the biennial budget act or other legislation affecting s. 20.435 (5) (4) (o)
21 and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8.
22 The total amount that a county certifies under this subsection may not exceed 100%
23 of otherwise-unreimbursed care. In distributing funds under this subsection, the
24 department shall perform all of the following:

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****NOTE: This is reconciled s. 49.45 (6u) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0028/6 and LRB-1756/1.

1 ***-0028/7.52*** **SECTION 1384.** 49.45 (6u) (d) of the statutes is amended to read:

2 49.45 (6u) (d) If the federal department of health and human services approves
3 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result
4 in a lesser allocation amount than that allocated under this subsection, allocate not
5 more than the lesser amount so approved by the federal department of health and
6 human services.

7 ***-0028/7.53*** **SECTION 1385.** 49.45 (6u) (e) of the statutes is amended to read:

8 49.45 (6u) (e) If the federal department of health and human services approves
9 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result
10 in a lesser allocation amount than that allocated under this subsection, submit a
11 revision of the method developed under par. (b) for approval by the joint committee
12 on finance in that state fiscal year.

13 ***-1060/3.1*** **SECTION 1386.** 49.45 (6v) (b) of the statutes is amended to read:

14 49.45 (6v) (b) The department shall, each year, submit to the joint committee
15 on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that
16 provides information on the utilization of beds by recipients of medical assistance in
17 facilities and a discussion and detailed projection of the likely balances,
18 expenditures, encumbrances and carry over of currently appropriated amounts in
19 the appropriation accounts under s. 20.435 (4) (b) and (o).

****NOTE: This is reconciled s. 49.45 (6v) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

20 ***-1060/3.2*** **SECTION 1387.** 49.45 (6v) (c) of the statutes is amended to read:

21 49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds
22 by recipients of medical assistance in facilities decreased is less than estimates for

1 that utilization reflected in the intentions of the joint committee on finance,
2 legislature and governor, as expressed by them in the budget determinations, the
3 department shall include a proposal to transfer moneys from the appropriation
4 under s. 20.435 ~~(5)~~ (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose
5 of increasing funding for the community options program under s. 46.27. The
6 amount proposed for transfer may not reduce the balance in the appropriation
7 account under s. 20.435 (4) (b) below an amount necessary to ensure that that
8 appropriation account will end the current fiscal year or the current fiscal biennium
9 with a positive balance. The secretary shall transfer the amount identified under the
10 proposal.

****NOTE: This is reconciled s. 49.45 (6v) (c). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0028/6 and LRB-1060/2.

11 ***-0028/7.54* SECTION 1388.** 49.45 (6w) (intro.) of the statutes is amended to
12 read:

13 49.45 (6w) HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the
14 appropriation under s. 20.435 ~~(5)~~ (4) (o), for reduction of operating deficits, as defined
15 under criteria developed by the department, incurred by a hospital, as defined under
16 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or
17 owned and operated by a city or village, the department shall allocate up to
18 \$3,300,000 in each fiscal year to these hospitals, as determined by the department,
19 and shall perform all of the following:

20 ***-0028/7.55* SECTION 1389.** 49.45 (6w) (d) of the statutes is amended to read:

21 49.45 (6w) (d) If the federal department of health and human services approves
22 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result
23 in a lesser allocation amount than that allocated under this subsection or disallows

1 use of the allocation of federal medicaid funds under par. (c), reduce allocations under
2 this subsection and distribute on a prorated basis, as determined by the department.

3 ***-0028/7.56* SECTION 1390.** 49.45 (6x) (a) of the statutes is amended to read:

4 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
5 20.435 (5) (4) (b) and (o) the department shall distribute not more than \$4,748,000
6 in each fiscal year, to provide funds to an essential access city hospital, except that
7 the department may not allocate funds to an essential access city hospital to the
8 extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

9 ***-0028/7.57* SECTION 1391.** 49.45 (6x) (d) of the statutes is amended to read:

10 49.45 (6x) (d) If the federal department of health and human services approves
11 for state expenditure in any state fiscal year amounts under s. 20.435 (5) (4) (o) that
12 result in a lesser distribution amount than that distributed under this subsection or
13 disallows use of federal medicaid funds under par. (a), the department of health and
14 family services shall reduce the distributions under this subsection.

15 ***-0028/7.58* SECTION 1392.** 49.45 (6y) (a) of the statutes is amended to read:

16 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
17 20.435 (5) (4) (b) and (o) the department shall distribute funding in each fiscal year
18 to provide supplemental payment to hospitals that enter into a contract under s.
19 49.02 (2) to provide health care services funded by a relief block grant, as determined
20 by the department, for hospital services that are not in excess of the hospitals'
21 customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief
22 block grant is awarded under this chapter or if the allocation of funds to such
23 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
24 may distribute funds to hospitals that have not entered into a contract under s. 49.02
25 (2).

1 ***-1393/3.3*** **SECTION 1393.** 49.45 (6y) (am) of the statutes is created to read:
2 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.
3 20.435 (4) (b), (h) and (o) the department shall distribute funding in each fiscal year
4 to provide supplemental payments to hospitals that enter into contracts under s.
5 49.02 (2) with a county having a population of 500,000 or more to provide health care
6 services funded by a relief block grant, as determined by the department, for hospital
7 services that are not in excess of the hospitals' customary charges for the services,
8 as limited under 42 USC 1396b (i) (3).

9 ***-1393/3.4*** **SECTION 1394.** 49.45 (6y) (b) of the statutes is amended to read:
10 49.45 (6y) (b) The department need not promulgate as rules under ch. 227 the
11 procedures, methods of distribution and criteria required for distribution under ~~par.~~
12 pars. (a) and (am).

13 ***-0028/7.59*** **SECTION 1395.** 49.45 (6z) (a) (intro.) of the statutes is amended
14 to read:

15 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations
16 under s. 20.435 (5) (4) (b) and (o) the department shall distribute funding in each
17 fiscal year to supplement payment for services to hospitals that enter into a contract
18 under s. 49.02 (2) to provide health care services funded by a relief block grant under
19 this chapter, if the department determines that the hospitals serve a
20 disproportionate number of low-income patients with special needs. If no medical
21 relief block grant under this chapter is awarded or if the allocation of funds to such
22 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department
23 may distribute funds to hospitals that have not entered into a contract under s. 49.02
24 (2). The department may not distribute funds under this subsection to the extent
25 that the distribution would do any of the following:

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1 *~~0028/7.60~~* **SECTION 1396.** 49.45 (8) (b) of the statutes is amended to read:
2 49.45 (8) (b) Reimbursement under s. 20.435 (5) (4) (b) and (o) for home health
3 services provided by a certified home health agency or independent nurse shall be
4 made at the home health agency's or nurse's usual and customary fee per patient care
5 visit, subject to a maximum allowable fee per patient care visit that is established
6 under par. (c).

7 *~~1098/3.16~~* **SECTION 1397.** 49.45 (13) (a) of the statutes is amended to read:
8 49.45 (13) (a) The department may require service providers to prepare and
9 submit cost reports or financial reports for purposes of rate certification under Title
10 XIX of the federal Social Security Act, cost verification, fee schedule determination
11 or research and study purposes. These financial reports may include independently
12 audited financial statements ~~which shall include, including~~ balance sheets and
13 statements of revenues and expenses. The department may withhold
14 reimbursement or may decrease or not increase reimbursement rates if a provider
15 does not submit the reports required under this paragraph within the period
16 specified by the department or if the costs on which the reimbursement rates are
17 based cannot be verified from the provider's cost or financial reports ~~or records from~~
18 ~~which the reports are derived~~.

19 *~~1098/3.17~~* **SECTION 1398.** 49.45 (13) (b) of the statutes is amended to read:
20 49.45 (13) (b) The In addition to the remedies specified under par. (a), the
21 department may require any provider who fails to submit a cost report or financial
22 report under par. (a) within the period specified by the department to forfeit not less
23 than \$10 nor more than \$100 for each day the provider fails to submit the report. A
24 provider may contest the imposition of a forfeiture under this paragraph by

1 submitting a written request for a hearing under s. 227.44 to the department within
2 10 days following the date on which the provider received notice of the forfeiture.

3 ***-1098/3.18* SECTION 1399.** 49.45 (21) (a) of the statutes is renumbered 49.45
4 (21) (a) (intro.) and amended to read:

5 49.45 (21) (a) (intro.) ~~If any~~ Before a provider ~~liable for repayment of improper~~
6 ~~or erroneous payments or overpayments under ss. 49.43 to 49.497~~ sells or otherwise
7 transfers ownership of his or her business or all or substantially all of the assets of
8 the business, ~~the transferor and transferee are each liable for the repayment. Prior~~
9 ~~to final transfer, the transferee is responsible for contacting the department and~~
10 ~~ascertaining if the transferor is liable under this paragraph.~~ all of the following shall
11 take place:

12 ***-1098/3.19* SECTION 1400.** 49.45 (21) (a) 1. to 6. of the statutes are created
13 to read:

14 49.45 (21) (a) 1. The provider shall notify the department of the proposed sale
15 or other transfer.

16 2. Upon notification under subd. 1., the department shall inform the provider
17 of the extent of the provider's liability, if any, for repayment of improper or erroneous
18 payments or overpayments under ss. 49.43 to 49.497.

19 3. If the department informs the provider under subd. 2. that the provider has
20 liability, the provider shall so inform the prospective buyer or other transferee.

21 4. If the provider informs the prospective buyer or other transferee under subd.
22 3., joint and several liability for the repayment attaches to the provider and to the
23 prospective buyer or other transferee and the sale or other transfer is conditioned
24 upon repayment.

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1 5. If the provider fails to notify the prospective buyer or other transferee under
2 subd. 3., no liability for the repayment attaches to the prospective buyer or other
3 transferee.

4 6. The provider and, if subd. 4. applies, the prospective buyer or other
5 transferee shall repay the amount of improper or erroneous payments or
6 overpayments under ss. 49.43 to 49.497 for which the provider and, if subd. 4.
7 applies, the prospective buyer or other transferee have liability.

8 ***-1098/3.20*** **SECTION 1401.** 49.45 (21) (b) of the statutes is amended to read:
9 49.45 (21) (b) If a sale or other transfer specified in par. (a) occurs and the
10 applicable amount under par. (a) has not been repaid, the ~~department may proceed~~
11 ~~against either the transferor or the transferee. Within 30 days after receiving notice~~
12 ~~from the department, the transferor or the transferee shall pay the amount in full.~~
13 Upon failure to comply, the sale or other transfer is void. The department may bring
14 an action to compel payment. ~~If a transferor fails to pay within 90 days after~~
15 ~~receiving notice from the department, the department or~~ may proceed under sub. (2)
16 (a) 12., or both.

17 ***-1301/3.1*** **SECTION 1402.** 49.45 (24h) of the statutes is created to read:
18 49.45 (24h) PAYMENT RATES FOR DENTAL SERVICES. (a) From the appropriation
19 under s. 20.435 (5) (b), the department shall provide an increase in the rate of
20 payment to providers of dental services specified under ss. 49.46 (2) (b) 1. and 49.47
21 (6) (a) 1. who provide the services on a fee-for-service basis. For state fiscal year
22 1999-2000, the total increase is an amount equal to the lesser of 10% over that paid
23 from this appropriation for the dental services in state fiscal year 1998-99 or
24 \$1,225,300. For state fiscal year 2000-01, the total increase is an amount equal to
25 the least of all of the following:

1 1. Ten percent over the amount paid for the dental services from the
2 appropriation in state fiscal year 2000–01.

3 2. An amount equal to \$1,504,200.

4 3. Whatever percentage over the amount paid for the dental services from the
5 appropriation in state fiscal year 2000–01 equals the percentage of increase in the
6 number of medical assistance recipients receiving dental services on a
7 fee-for-service basis in state fiscal year 2000–01 over the number receiving dental
8 services on a fee-for-service basis in state fiscal year 1999–2000. By September 1,
9 2000, the department shall determine the percentage figure under this paragraph.

10 (b) Calculation of the payments under this subsection excludes estimated
11 changes in total payments reflected in the intentions of the joint committee on
12 finance, legislature and governor as expressed by them in the budget determinations
13 attributable to changes in recipient utilization of dental services provided on a
14 fee-for-service basis.

15 ***-0028/7.61*** **SECTION 1403.** 49.45 (24m) (intro.) of the statutes is amended to
16 read:

17 49.45 (24m) **HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM.** (intro.)
18 From the appropriations under s. 20.435 (~~5~~) (4) (b) and (o), in order to test the
19 feasibility of instituting a system of reimbursement for providers of home health care
20 and personal care services for medical assistance recipients that is based on
21 competitive bidding, the department shall:

22 ***-0287/P1.1*** **SECTION 1404.** 49.45 (25m) of the statutes is created to read:

23 49.45 (25m) **MANAGED CARE FOR CHILDREN IN FOSTER CARE.** The department may
24 request a waiver from the secretary of the federal department of health and human
25 services to allow the department to require a child who is in foster care to enroll in

1 a managed care plan as a condition of receiving medical assistance. If the waiver is
2 granted and in effect, the department may require a child who is in foster care to
3 enroll in a managed care plan as a condition of receiving medical assistance.

4 ***-0315/4.1* SECTION 1405.** 49.45 (46) of the statutes is created to read:

5 49.45 (46) ALCOHOL AND OTHER DRUG ABUSE RESIDENTIAL TREATMENT SERVICES. (a)

6 If a county, city, town or village elects to become certified as a provider of alcohol and
7 other drug abuse residential treatment services or to contract with a certified
8 provider to provide the services, the county, city, town or village may provide directly
9 or under contract alcohol and other drug abuse residential treatment services in
10 facilities with fewer than 16 beds under this subsection in the county, city, town or
11 village to medical assistance recipients through the medical assistance program. A
12 county, city, town or village that elects to provide or to contract for the services shall
13 pay the amount of the allowable charges for the services under the medical
14 assistance program that is not provided by the federal government. The department
15 shall reimburse the county, city, town or village under this subsection only for the
16 amount of the allowable charges for those services under the medical assistance
17 program that is provided by the federal government.

18 (b) This subsection does not apply after July 1, 2003.

19 ***-0321/6.1* SECTION 1406.** 49.45 (47) of the statutes is created to read:

20 49.45 (47) ADULT DAY CARE CENTERS. (a) In this subsection, “adult day care
21 center” means an entity that provides services for part of a day in a group setting to
22 adults who need an enriched health-supportive or social experience and who may
23 need assistance with activities of daily living, supervision or protection.

1 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
2 of services to clients in an adult day care center unless the adult day care center is
3 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

4 (c) The biennial fee for the certification required under par. (b) of an adult day
5 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
6 clients that the adult day care center is certified to serve. Fees collected under this
7 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

8 (d) The department, by rule, may increase any fee specified in par. (c).

9 ***-0263/2.1* SECTION 1407.** 49.453 (4) (title) of the statutes is amended to read:
10 49.453 (4) (title) IRREVOCABLE ANNUITIES, PROMISSORY NOTES AND SIMILAR
11 TRANSFERS.

12 ***-0263/2.2* SECTION 1408.** 49.453 (4) (a) of the statutes is renumbered 49.453
13 (4) (a) (intro.) and amended to read:

14 49.453 (4) (a) (intro.) For the purposes of sub. (2), whenever a covered
15 individual or his or her spouse, or another person acting on behalf of the covered
16 individual or his or her spouse, transfers assets to an irrevocable annuity, or
17 transfers assets by promissory note or similar instrument, in an amount that exceeds
18 the expected value of the benefit, the covered individual or his or her spouse transfers
19 assets for less than fair market value. A transfer to an annuity, or a transfer by
20 promissory note or similar instrument, is not in excess of the expected value only if
21 all of the following are true:

22 ***-0263/2.3* SECTION 1409.** 49.453 (4) (a) 1. and 2. of the statutes are created
23 to read:

24 49.453 (4) (a) 1. The periodic payments back to the transferor include principal
25 and interest that, at the time that the transfer is made, is at least at the prime

1 lending rate as reported by the federal reserve board in federal statistical release H.
2 15.

3 2. The terms of the instrument provide for a payment schedule that includes
4 equal periodic payments, except that payments may be unequal if the interest
5 payments are tied to the prime lending rate, as reported by the federal reserve board
6 in federal statistical release H. 15., and the inequality is caused exclusively by
7 fluctuations in that rate.

8 ***-0263/2.4* SECTION 1410.** 49.453 (4) (c) of the statutes is amended to read:

9 49.453 (4) (c) The department shall promulgate rules specifying the method to
10 be used in calculating the expected value of the benefit, based on 26 CFR 1.72-1 to
11 1.72-18, and specifying the criteria for adjusting the expected value of the benefit
12 based on a medical condition diagnosed by a physician before the assets were
13 transferred to the annuity, or transferred by promissory note or similar instrument.

14 ***-0261/2.1* SECTION 1411.** 49.46 (1p) of the statutes is created to read:

15 49.46 (1p) DEMONSTRATION PROJECT FOR PERSONS WITH HIV. The department
16 shall request a waiver from the secretary of the federal department of health and
17 human services to allow the department to provide under this section coverage of
18 services specified under sub. (2) (b) 17. for persons who have HIV infection, as defined
19 in s. 252.01 (2). If a waiver is granted and in effect, the department shall provide
20 coverage for the services specified under sub. (2) (b) 17. for persons who qualify under
21 the terms of the waiver.

22 ***-0030/1.73* SECTION 1412.** 49.46 (2) (b) 8. of the statutes is amended to read:

23 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
24 (11), 46.275, 46.277 or 46.278 or under the family care benefit if a waiver is in effect
25 under s. 46.281 (1) (c).

1 ***-0261/2.2*** **SECTION 1413.** 49.46 (2) (b) 17. of the statutes is created to read:
2 49.46 (2) (b) 17. If a waiver under sub. (1p) is granted and in effect, clinical
3 evaluation services, as defined by the department, for persons who qualify for
4 coverage under sub. (1p), not to exceed \$500 per year per person.

5 ***-0315/4.2*** **SECTION 1414.** 49.46 (2) (b) 18. of the statutes is created to read:
6 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of
7 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision
8 does not apply after July 1, 2003.

9 ***-0030/1.74*** **SECTION 1415.** 49.47 (4) (as) 1. of the statutes is amended to read:
10 49.47 (4) (as) 1. The person would meet the financial and other eligibility
11 requirements for home or community-based services under s. 46.27 (11) or 46.277
12 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c) but for
13 the fact that the person engages in substantial gainful activity under 42 USC 1382c
14 (a) (3).

15 ***-0030/1.75*** **SECTION 1416.** 49.47 (4) (as) 3. of the statutes is amended to read:
16 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) or 46.277
17 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c).

18 ***-0266/3.3*** **SECTION 1417.** 49.472 of the statutes is created to read:
19 **49.472 Medical assistance purchase plan. (1) DEFINITIONS.** In this section:
20 (a) “Earned income” has the meaning given in 42 USC 1382a (a) (1).
21 (am) “Family” means an individual, the individual’s spouse and any dependent
22 child, as defined in s. 49.141 (1) (c), of the individual.

23 (b) “Health insurance” means surgical, medical, hospital, major medical or
24 other health service coverage, including a self-insured health plan, but does not

1 include hospital indemnity policies or ancillary coverages such as income
2 continuation, loss of time or accident benefits.

3 (c) “Independence account” means an account approved by the department that
4 consists solely of savings, and dividends or other gains derived from those savings,
5 from income earned from paid employment after the initial date that an individual
6 began receiving medical assistance under this section.

7 (d) “Medical assistance purchase plan” means medical assistance, eligibility for
8 which is determined under this section.

9 (e) “Unearned income” has the meaning given in 42 USC 1382a (a) (2).

10 **(2) WAIVERS AND AMENDMENTS.** The department shall submit to the federal
11 department of health and human services an amendment to the state medical
12 assistance plan, and shall request any necessary waivers from the secretary of the
13 federal department of health and human services, to permit the department to
14 expand medical assistance eligibility as provided in this section. If the state plan
15 amendment and all necessary waivers are approved and in effect, the department
16 shall implement the medical assistance eligibility expansion under this section not
17 later than January 1, 2000, or 3 months after full federal approval, whichever is
18 later.

19 **(3) ELIGIBILITY.** Except as provided in sub. (6) (a), an individual is eligible for
20 and shall receive medical assistance under this section if all of the following
21 conditions are met:

22 (a) The individual’s net income, including income that would be deemed to the
23 individual under 20 CFR 416.1160, is less than 250% of the poverty line for a family
24 the size of the individual’s family. In calculating the net income, the department
25 shall disregard the income specified under 42 USC 1382a (b).

1 (b) The individual's assets do not exceed \$20,000. In determining assets, the
2 department may not include assets that are excluded from the resource calculation
3 under 42 USC 1382b (a) or assets accumulated in an independence account. The
4 department may exclude, in whole or in part, the value of a vehicle used by the
5 individual for transportation to paid employment.

6 (c) The individual would be eligible for supplemental security income for
7 purposes of receiving medical assistance but for evidence of work, attainment of the
8 substantial gainful activity level, earned income in excess of the limit established
9 under 42 USC 1396d (q) (2) (B) and unearned income that is disregarded under sub.
10 (4) (a) 2.

11 (e) The individual is legally able to work in all employment settings without
12 a permit under s. 103.70.

13 (f) The individual maintains premium payments calculated by the department
14 in accordance with sub. (4), unless the individual is exempted from premium
15 payments under sub. (4) (b) or (c) or (5).

16 (g) The individual is engaged in gainful employment or is participating in a
17 program that is certified by the department to provide health and employment
18 services that are aimed at helping the individual achieve employment goals.

19 (h) The individual meets all other requirements established by the department
20 by rule.

21 **(4) PREMIUMS.** (a) Except as provided in par. (b) and sub. (5), an individual who
22 is eligible for medical assistance under sub. (3) and receives medical assistance shall
23 pay a monthly premium to the department. The department shall establish the
24 monthly premiums by rule in accordance with the following guidelines:

25 1. The premium for any individual may not exceed the sum of the following:

- 1 a. Three and one-half percent of the individual's earned income.
- 2 b. One hundred percent of the individual's unearned income after the
3 deductions specified in subd. 2.
- 4 2. In determining an individual's unearned income under subd. 1., the
5 department shall disregard all of the following:
- 6 a. A maintenance allowance established by the department by rule. The
7 maintenance allowance may not be less than the sum of \$20, the federal
8 supplemental security income payment level determined under 42 USC 1382 (b) and
9 the state supplemental payment determined under s. 49.77 (2m).
- 10 b. Medical and remedial expenses and impairment-related work expenses.
- 11 3. The department may reduce the premium by 25% for an individual who is
12 covered by private health insurance.
- 13 (b) The department may waive monthly premiums that are calculated to be
14 below \$10 per month.
- 15 (c) The department shall assess a one-time entry premium based on a sliding
16 scale established by the department by rule and according to an individual's gross
17 income. In calculating an individual's gross income, the department may treat
18 earned and unearned income differently. The department may waive all or part of
19 the entry premium, or extend the time period for payment of the entry premium, for
20 an individual if the department determines that any of the following is true:
- 21 1. Assessment of the premium would impose an undue hardship on the
22 individual and, would fail to remove barriers to employment for the individual or
23 would fail to increase access to health care for the individual.
- 24 2. Assessment of the premium would reduce the cost-effectiveness of the
25 medical assistance purchase plan.

1 **(5) COMMUNITY OPTIONS PARTICIPANTS.** From the appropriation under s. 20.435
2 (7) (bd), the department shall pay the entry premium established under sub. (4) (c)
3 for a person who is a participant in the community options program under s. 46.27
4 (7), and may pay the entry premium calculated under sub. (4) (c) or the monthly
5 premium calculated under sub. (4) (a), for an individual who is a participant in the
6 community options program under s. 46.27 (11). No individual who is a participant
7 in the community options program under s. 46.27 (11) may be required to pay a
8 monthly premium calculated under sub. (4) (a) if the individual pays the amount
9 calculated under s. 46.27 (6u) (c) 2.

10 **(6) INSURED PERSONS.** (a) Notwithstanding sub. (4) (a) 3., from the
11 appropriation under s. 20.435 (4) (b), the department shall, on the part of an
12 individual who is eligible for medical assistance under sub. (3), pay premiums for or
13 purchase individual coverage offered by the individual's employer if the department
14 determines that paying the premiums for or purchasing the coverage will not be more
15 costly than providing medical assistance.

16 (b) If federal financial participation is available, from the appropriation under
17 s. 20.435 (4) (b), the department may pay medicare Part A and Part B premiums for
18 individuals who are eligible for medicare and for medical assistance under sub. (3).

19 **(7) DEPARTMENT DUTIES.** The department shall do all of the following:

20 (a) Determine eligibility, or contract with a county department, as defined in
21 49.45 (6c) (a) 3., or with a tribal governing body to determine eligibility, of individuals
22 for the medical assistance purchase plan in accordance with sub. (3).

23 (b) Ensure, to the extent practicable, continuity of care for a medical assistance
24 recipient under this section who is engaged in paid employment, or is enrolled in a

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1 home-based or community-based waiver program under section 1915 (c) of the
2 Social Security Act, and who becomes ineligible for medical assistance.

3 ***-0028/7.62* SECTION 1418.** 49.475 (5) of the statutes is amended to read:

4 49.475 (5) REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435
5 ~~(4)~~ (4) (bm) and (p), the department shall reimburse an insurer that provides
6 information under this section for the insurer's reasonable costs incurred in
7 providing the requested information, including its reasonable costs, if any, to develop
8 and operate automated systems specifically for the disclosure of information under
9 this section.

10 ***-0498/1.1* SECTION 1419.** 49.475 (6) of the statutes is created to read:

11 49.475 (6) SHARING INFORMATION. The department may provide to the
12 department of workforce development any information that the department receives
13 under this section. The 2 departments shall agree on procedures and methods to
14 adequately safeguard the confidentiality of the information provided.

15 ***-1098/3.21* SECTION 1420.** 49.489 of the statutes is created to read:

16 **49.489 False claims or statements prohibited.** (1) In this section:

17 (a) "Claim" means a request submitted by a provider for payment for services
18 or items furnished by the provider under the medical assistance program.

19 (b) "Statement" means a representation, certification, affirmation, document,
20 record or accounting or bookkeeping entry made with respect to a claim or to obtain
21 approval or payment of a claim.

22 (2) No provider may submit a claim or cause a claim to be submitted if the
23 provider knows or should know any of the following:

24 (a) That the claim is false.

1 (b) That the claim includes or is supported by a written statement that asserts
2 a material fact that is false.

3 (c) That the claim includes or is supported by a written statement that omits
4 a material fact that the provider has a duty to include and, by reason of the omission,
5 is false.

6 **(3)** No provider may make or cause to be made a written statement that
7 contains or is accompanied by an express certification or affirmation of the
8 truthfulness and accuracy of the statement if the provider knows or should know any
9 of the following:

10 (a) That the statement asserts a material fact that is false.

11 (b) That the statement omits a material fact that the provider has a duty to
12 include and, by reason of the omission, is false.

13 **(4)** For purposes of subs. (2) and (3), all of the following apply:

14 (a) Each claim form constitutes a separate claim.

15 (b) Each representation, certification, affirmation, document, record or
16 accounting or bookkeeping entry constitutes a separate statement.

17 (c) A claim is subject to this section regardless of whether the claim is actually
18 paid.

19 (d) A claim is considered to be made when it is received by the fiscal agent.

20 (e) Except as provided in par. (f), a statement is considered to be made when
21 it is received by the fiscal agent.

22 (f) A statement that is not submitted to a fiscal agent but is retained by the
23 provider to support a claim is considered to be made when it is entered in the
24 provider's books, files or other records.

1 (5) Any person who violates sub. (2) or (3) may be required to forfeit not more
2 than \$5,000 for each offense.

3 (6) If the department assesses a forfeiture under sub. (5) for a violation of sub.
4 (2), the department may impose on the violator, in addition to the forfeiture, a false
5 claim surcharge in an amount that is not more than 200% of the amount of the claim
6 in regard to which sub. (2) was found to have been violated.

7 (7) The department may directly assess a forfeiture provided for in sub. (5).
8 If the department determines that a forfeiture should be assessed for a particular
9 violation, the department shall send a notice of assessment to the alleged violator.
10 The notice shall specify the amount of the forfeiture assessed, the violation and the
11 statute alleged to have been violated and shall inform the alleged violator of the right
12 to a hearing under sub. (8).

13 (8) An alleged violator may contest an assessment of a forfeiture by sending,
14 within 30 days after receipt of the notice under sub. (7), a written request for hearing
15 under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1).
16 The administrator of the division may designate a hearing examiner to preside over
17 the case and recommend a decision to the administrator under s. 227.46. The
18 decision of the administrator of the division shall be the final administrative
19 decision. The division shall commence the hearing within 30 days after receipt of the
20 request for hearing and shall issue a final decision within 15 days after the close of
21 the hearing. Proceedings before the division are governed by ch. 227. In any petition
22 for judicial review of a decision by the division, the party, other than the petitioner,
23 who was in the proceeding before the division shall be the named respondent.

24 (9) All forfeitures and false claim surcharges, if any, shall be paid to the
25 department within 10 days after receipt of notice of assessment or, if the forfeiture

1 is contested under sub. (8), within 10 days after receipt of the final decision after
2 exhaustion of administrative review, unless the final decision is appealed. The
3 department shall remit all forfeitures paid to the state treasurer for deposit in the
4 school fund. The department shall credit all false claims surcharges to the
5 appropriation account under s. 20.435 (1) (kx).

6 (10) The attorney general may bring an action in the name of the state to collect
7 any forfeiture or false claim surcharge imposed under this section if the forfeiture or
8 false claim surcharge has not been paid following the exhaustion of all
9 administrative and judicial reviews. The only issue to be contested in any such action
10 is whether the forfeiture or false claim surcharge has been paid.

11 ***-1295/2.5*** SECTION 1421. 49.496 (2) (title) of the statutes is amended to read:

12 49.496 (2) (title) LIENS ON THE HOMES OF NURSING HOME RESIDENTS AND INPATIENTS
13 AT HOSPITALS.

14 ***-1295/2.6*** SECTION 1422. 49.496 (2) (a) of the statutes is amended to read:

15 49.496 (2) (a) Except as provided in par. (b), the department may obtain a lien
16 on a recipient's home if the recipient resides in a nursing home, or if the recipient
17 resides in a hospital and is required to contribute to the cost of care, and the recipient
18 cannot reasonably be expected to be discharged from the nursing home or hospital
19 and return home. The lien is for the amount of medical assistance paid on behalf of
20 the recipient while the recipient resides in a nursing home that is recoverable under
21 sub. (3) (a).

22 ***-1295/2.7*** SECTION 1423. 49.496 (2) (b) 3. of the statutes is amended to read:

23 49.496 (2) (b) 3. The recipient's sibling who has an ownership interest in the
24 home and who has lived in the home continuously beginning at least 12 months
25 before the recipient was admitted to the nursing home or hospital.

SECTION 1424

1 ***-1295/2.8*** SECTION 1424. 49.496 (2) (c) 1. of the statutes is amended to read:

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

6 ***-1295/2.9*** SECTION 1425. 49.496 (2) (f) 3. of the statutes is amended to read:

7 49.496 (2) (f) 3. A child of any age who resides in the home, if that child resided
8 in the home for at least 24 months before the recipient was admitted to the nursing
9 home or hospital and provided care to the recipient that delayed the recipient's
10 admission to the nursing home or hospital.

11 ***-1295/2.10*** SECTION 1426. 49.496 (2) (f) 4. of the statutes is amended to read:

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

15 ***-1295/2.11*** SECTION 1427. 49.496 (2) (h) of the statutes is amended to read:

16 49.496 (2) (h) The department shall file a release of a lien imposed under this
17 subsection if the recipient is discharged from the nursing home or hospital and
18 returns to live in the home.

19 ***-1295/2.12*** SECTION 1428. 49.496 (3) (a) (intro.) of the statutes is amended
20 to read:

21 49.496 (3) (a) (intro.) Except as provided in par. (b), the department shall file
22 a claim against the estate of a recipient ~~or against the estate of the surviving spouse~~
23 ~~of a recipient~~ for all of the following unless already recovered by the department
24 under this section:

25 ***-1295/2.13*** SECTION 1429. 49.496 (3) (a) 1. of the statutes is amended to read:

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

5 ***-1295/2.14*** SECTION 1430. 49.496 (3) (a) 2. a. of the statutes is amended to
6 read:

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

10 ***-1295/2.15*** SECTION 1431. 49.496 (3) (a) 2. d. of the statutes is created to
11 read:

12 49.496 (3) (a) 2. d. Personal care services under s. 49.46 (2) (b) 6. j.

13 ***-1295/2.16*** SECTION 1432. 49.496 (3) (am) (intro.) of the statutes is amended
14 to read:

15 49.496 (3) (am) (intro.) The court shall reduce the amount of a claim under par.
16 (a) by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the
17 recipient's heirs or the beneficiaries of the recipient's will to retain the following
18 personal property:

19 ***-1295/2.17*** SECTION 1433. 49.496 (3) (am) 3. of the statutes is amended to
20 read:

21 49.496 (3) (am) 3. Other tangible personal property not used in trade,
22 agriculture or other business, not to exceed \$1,000 in value the amount specified in
23 s. 861.33 (1) (a) 4.

24 ***-1295/2.18*** SECTION 1434. 49.496 (3) (b) of the statutes is amended to read:

1 49.496 (3) (b) A claim under par. (a) is not allowable if while the decedent has
2 a surviving child who is under age 21 or disabled or a surviving spouse.

3 ***-0260/2.3*** SECTION 1435. 49.496 (3) (c) of the statutes is renumbered 49.496
4 (3) (c) 1. and amended to read:

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

12 ***-0260/2.4*** SECTION 1436. 49.496 (3) (c) 2. of the statutes is created to read:

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

20 ***-1295/2.19*** SECTION 1437. 49.496 (3) (f) of the statutes is created to read:

21 49.496 (3) (f) The department may contract with or employ an attorney to
22 probate estates to recover under this subsection the costs of care.

23 ***-0028/7.63*** SECTION 1438. 49.496 (5) of the statutes is amended to read:

24 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (5) (4) (im),
25 the department shall pay the amount of the payments under sub. (4) that is not paid

1 from federal funds, shall pay to the federal government the amount of the funds
2 recovered under this section equal to the amount of federal funds used to pay the
3 benefits recovered under this section and shall spend the remainder of the funds
4 recovered under this section for medical assistance benefits under this subchapter.

5 ***-0033/1.2* SECTION 1439.** 49.499 (intro.) of the statutes, as affected by 1997
6 Wisconsin Act 27, is renumbered 49.499 (1) (intro.).

7 ***-0033/1.3* SECTION 1440.** 49.499 (1) to (3) of the statutes are renumbered
8 49.499 (1) (a) to (c).

9 ***-0033/1.4* SECTION 1441.** 49.499 (2m) of the statutes is created to read:
10 49.499 (2m) From the appropriation under s. 20.435 (6) (g), the department
11 may distribute funds for innovative projects designed to protect the health and
12 property of a resident in a nursing facility, as defined in s. 49.498 (1) (i).

13 ***-1967/3.1* SECTION 1442.** 49.665 (1) (a) of the statutes is renumbered 49.665
14 (1) (e) and amended to read:

15 49.665 (1) (e) “~~Custodial parent~~ Parent” has the meaning given in s. 49.141 (1)
16 (b) (j).

17 ***-1967/3.2* SECTION 1443.** 49.665 (1) (b) of the statutes is repealed and
18 recreated to read:

19 49.665 (1) (b) “Child” means a person who is under the age of 19.

20 ***-1967/3.3* SECTION 1444.** 49.665 (1) (d) of the statutes is amended to read:

21 49.665 (1) (d) “Family” means a unit that consists of at least one ~~dependent~~
22 child and his or her ~~eustodial~~ parent or parents, all of whom reside in the same
23 household. “Family” includes the spouse of an individual who is a ~~eustodial~~ parent
24 if the spouse resides in the same household as the individual.

25 ***-1967/3.4* SECTION 1445.** 49.665 (1) (f) of the statutes is created to read:

1 49.665 (1) (f) "State plan" means the state child health plan under 42 USC
2 1397aa (b).

3 ***-1967/3.5*** SECTION 1446. 49.665 (3) of the statutes is amended to read:

4 49.665 (3) ADMINISTRATION. The department shall administer a program to
5 provide the health services and benefits described in s. 49.46 (2) to ~~families~~ persons
6 that meet the eligibility requirements specified in sub. (4). The department shall
7 promulgate rules setting forth the application procedures and appeal and grievance
8 procedures. The department may promulgate rules limiting access to the program
9 under this section to defined enrollment periods. The department may also
10 promulgate rules establishing a method by which the department may purchase
11 family coverage offered by the employer of a member of an eligible family or by a
12 member of a child's household under circumstances in which the department
13 determines that purchasing that coverage would not be more costly than providing
14 the coverage under this section.

15 ***-1967/3.6*** SECTION 1447. 49.665 (4) (a) 1. of the statutes is amended to read:

16 49.665 (4) (a) 1. The family's income does not exceed 185% of the poverty line,
17 except as provided in par. (at) and except that a family that is already receiving
18 health care coverage under this section may have an income that does not exceed
19 200% of the poverty line. The department shall establish by rule the criteria to be
20 used to determine income.

21 ***-1967/3.7*** SECTION 1448. 49.665 (4) (am) of the statutes is created to read:

22 49.665 (4) (am) A child who does not reside with his or her parent is eligible
23 for health care coverage under this section if the child meets all of the following
24 requirements:

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

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

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

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

13 ***-1967/3.8*** SECTION 1449. 49.665 (4) (at) of the statutes is created to read:

14 49.665 (4) (at) 1. The department shall establish by state plan amendment a
15 lower maximum income level for the initial eligibility determination if funding under
16 s. 20.435 (5) (bc), (jz) and (p) is insufficient to accommodate the projected enrollment
17 levels for the health care program under this section. The adjustment may not be
18 greater than necessary to ensure sufficient funding.

19 2. If, after the department has established a lower maximum income level
20 under subd. 1., projections indicate that funding under s. 20.435 (5) (bc), (jz) and (p)
21 is sufficient to raise the level, the department shall, by state plan amendment, raise
22 the maximum income level for initial eligibility, but not to exceed 185% of the poverty
23 line.

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

SECTION 1450

1 *~~1967/3.9~~* **SECTION 1450.** 49.665 (4) (b) of the statutes is amended to read:
2 49.665 (4) (b) Notwithstanding fulfillment of the eligibility requirements
3 under this subsection, ~~a family~~ no person is ~~not~~ entitled to health care coverage under
4 this section.

5 *~~1967/3.10~~* **SECTION 1451.** 49.665 (4) (c) of the statutes is amended to read:
6 49.665 (4) (c) No ~~family~~ person may be denied health care coverage under this
7 section solely because of a health condition of that person or of any family member
8 of that person.

9 *~~1967/3.11~~* **SECTION 1452.** 49.665 (5) (a) of the statutes is amended to read:
10 49.665 (5) (a) Except as provided in par. (b), a family ~~that, or child who does~~
11 not reside with his or her parent, who receives health care coverage under this
12 section shall pay a percentage of the cost of that coverage in accordance with a
13 schedule established by the department by rule. If the schedule established by the
14 department requires a family, or child who does not reside with his or her parent, to
15 contribute more than 3% of the family's or child's income towards the cost of the
16 health care coverage provided under this section, the department shall submit the
17 schedule to the joint committee on finance for review and approval of the schedule.
18 If the cochairpersons of the joint committee on finance do not notify the department
19 within 14 working days after the date of the department's submittal of the schedule
20 that the committee has scheduled a meeting to review the schedule, the department
21 may implement the schedule. If, within 14 days after the date of the department's
22 submittal of the schedule, the cochairpersons of the committee notify the department
23 that the committee has scheduled a meeting to review the schedule, the department
24 may not require a family, or child who does not reside with his or her parent, to
25 contribute more than 3% of the family's or child's income unless the joint committee

1 on finance approves the schedule. The joint committee on finance may not approve
2 and the department may not implement a schedule that requires a family or child
3 to contribute more than 3.5% of the family's or child's income towards the cost of the
4 health care coverage provided under this section.

5 *~~1967/3.12~~* **SECTION 1453.** 49.665 (5) (b) of the statutes is amended to read:

6 49.665 (5) (b) The department may not require a family, or child who does not
7 reside with his or her parent, with an income below ~~143%~~ 150% of the poverty line
8 to contribute to the cost of health care coverage provided under this section.

9 *~~1295/2.20~~* **SECTION 1454.** 49.682 (2) (c) (intro.) of the statutes is amended
10 to read:

11 49.682 (2) (c) (intro.) The court shall reduce the amount of a claim under par.
12 (a) by up to \$3,000 the amount specified in s. 861.33 (2) if necessary to allow the
13 client's heirs or the beneficiaries of the client's will to retain the following personal
14 property:

15 *~~1295/2.21~~* **SECTION 1455.** 49.682 (2)(c) 3. of the statutes is amended to read:

16 49.682 (2) (c) 3. Other tangible personal property not used in trade, agriculture
17 or other business, not to exceed \$1,000 in value the amount specified in s. 861.33 (1)
18 (a) 4.

19 *~~0260/2.5~~* **SECTION 1456.** 49.682 (2) (e) of the statutes is renumbered 49.682
20 (2) (e) 1. and amended to read:

21 49.682 (2) (e) 1. If the department's claim is not allowable because of par. (d)
22 and the estate includes an interest in a home, the court exercising probate
23 jurisdiction shall, in the final judgment or summary findings and order, assign the
24 interest in the home subject to a lien in favor of the department for the amount
25 described in par. (a). The personal representative or petitioner for summary

1 settlement or summary assignment of the estate shall record the final judgment as
2 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

3 ***-0260/2.6* SECTION 1457.** 49.682 (2) (e) 2. of the statutes is created to read:
4 49.682 (2) (e) 2. If the department's claim is not allowable because of par. (d),
5 the estate includes an interest in a home and the personal representative closes the
6 estate by sworn statement under s. 865.16, the personal representative shall
7 stipulate in the statement that the home is assigned subject to a lien in favor of the
8 department for the amount described in par. (a). The personal representative shall
9 record the statement in the same manner as described in s. 863.29, as if the
10 statement were a final judgment.

11 ***-1295/2.22* SECTION 1458.** 49.682 (6) of the statutes is created to read:
12 49.682 (6) The department may contract with or employ an attorney to probate
13 estates to recover under this section the costs of care.

14 ***-0028/7.64* SECTION 1459.** 49.683 (2) of the statutes is amended to read:
15 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the
16 appropriation under s. 20.435 ~~(5)~~ (4) (e).

17 ***-0028/7.65* SECTION 1460.** 49.687 (2) of the statutes is amended to read:
18 49.687 (2) The department shall develop and implement a sliding scale of
19 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.
20 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to
21 pay for treatment. To ensure that the needs for treatment of patients with lower
22 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (c),
23 the department shall revise the sliding scale for patient liability by January 1, 1994,
24 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the
25 sliding scale.

1 ***-1003/4.1*** **SECTION 1461.** 49.775 (4) of the statutes is amended to read:

2 49.775 (4) **PAYMENT AMOUNT.** The payment under sub. (2) is ~~\$100~~ \$150 per
3 month per dependent child.

4 ***-1098/3.22*** **SECTION 1462.** 49.85 (2) (a) of the statutes is amended to read:

5 49.85 (2) (a) At least annually, the department of health and family services
6 shall certify to the department of revenue the amounts that, based on the
7 notifications received under sub. (1) and on other information received by the
8 department of health and family services, the department of health and family
9 services has determined that it may recover under s. 49.45(2)(a) 10. or 49.497, except
10 that the department of health and family services may not certify an amount under
11 this subsection unless it has met the notice requirements under sub. (3) and unless
12 its determination has either not been appealed or is no longer under appeal.

13 ***-1098/3.23*** **SECTION 1463.** 49.85 (3) (a) 1. of the statutes is amended to read:

14 49.85 (3) (a) 1. Inform the person that the department of health and family
15 services intends to certify to the department of revenue an amount that **the**
16 department of health and family services has determined to be due under s. 49.45
17 (2)(a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

18 ***-0589/2.18*** **SECTION 1464.** 49.855 (7) of the statutes is repealed.

19 ***-2105/1.23*** **SECTION 1465.** 49.857 (1)(d) 3. of the statutes is amended to read:

20 49.857 (1) (d) 3. A license issued under s. 48.66 (1) (a) or (b).

21 ***-0265/1.1*** **SECTION 1466.** 49.89 (2) of the statutes is amended to read:

22 49.89 (2) **SUBROGATION.** The department of health and family services, the
23 department of workforce development, a county or an elected tribal governing body
24 that provides any public assistance under this chapter or under s. 253.05 as a result
25 of the occurrence of an injury, sickness or death that creates a claim or cause of action,

1 whether in tort or contract, on the part of a public assistance recipient or beneficiary
2 or the estate of a recipient or beneficiary against a 3rd party, including an insurer,
3 is subrogated to the rights of the recipient, beneficiary or estate and may make a
4 claim or maintain an action or intervene in a claim or action by the recipient,
5 beneficiary or estate against the 3rd party. Subrogation under this subsection
6 because of the provision of medical assistance under subch. IV constitutes a lien,
7 equal to the amount of the medical assistance provided as a result of the injury,
8 sickness or death that gave rise to the claim. The lien is on any lump sum payment
9 resulting from a judgment or settlement that may be due the obligor. A lien under
10 this subsection continues until it is released and discharged by the department of
11 health and family services.

12 ***-0265/1.2*** SECTION 1467. 49.89 (3m) (bm) of the statutes is created to read:

13 49.89 (3m) (bm) A person against whom a claim that is subrogated under sub.
14 (2) or assigned under sub. (3) is made, or that person's attorney or insurer, shall
15 provide notice under par. (c), if that person, attorney or insurer knows, or could
16 reasonably determine, that the claimant is a recipient or former recipient of medical
17 assistance under subch. IV, or is the estate of a former recipient of medical assistance
18 under subch. IV.

19 ***-1186/4.35*** SECTION 1468. 49.89 (7) (c) of the statutes is amended to read:

20 49.89 (7) (c) The incentive payment shall be an amount equal to 15% of the
21 amount recovered because of benefits paid under s. 49.19, ~~49.20~~, s. 49.20, 1997 stats.,
22 and 49.30 or 253.05. The incentive payment shall be taken from the state share of
23 the sum recovered, except that the incentive payment for an amount recovered
24 because of benefits paid under s. 49.19 shall be considered an administrative cost
25 under s. 49.19 for the purpose of claiming federal funding.