

1 46.27 (1) (bm) "Private nonprofit agency" means a nonprofit corporation, as
2 defined in s. 181.0103 (17), which provides ~~comprehensive health care services to~~
3 ~~elderly persons~~ a program of all-inclusive care for persons aged 65 or older
4 authorized under 42 USC 1395 to 1395ggg and which participates in the On Lok
5 replication initiative.

6 ***-0030/2.37*** SECTION 1021. 46.27 (2) (k) of the statutes is created to read:

7 46.27 (2) (k) Review and approve or disapprove the terms of risk reserve escrow
8 accounts created under sub. (7) (fr) and approve or disapprove disbursements for
9 administrative or staff costs from the risk reserve escrow accounts.

10 ***-0030/2.38*** SECTION 1022. 46.27 (4) (c) (intro.) of the statutes is amended to
11 read:

12 46.27 (4) (c) (intro.) The planning committee shall ~~develop~~ do all of the
13 following:

14 1. Develop a community options plan for participation in the program. The
15 plan shall include:

16 ***-0030/2.39*** SECTION 1023. 46.27 (4) (c) 1. to 7. of the statutes are renumbered
17 46.27 (4) (c) 1. a. to g.

18 ***-0030/2.40*** SECTION 1024. 46.27 (4) (c) 2. of the statutes is created to read:

19 46.27 (4) (c) 2. Advise the county board of supervisors and, if applicable, the
20 county administrator or county executive on whether to apply to the department for
21 a contract to operate a resource center or a care management organization and
22 whether to create a family care district to apply to the department for such a contract.

23 ***-0030/2.41*** SECTION 1025. 46.27 (4) (c) 3. of the statutes is created to read:

24 46.27 (4) (c) 3. Review initial plans and existing provider networks of any care
25 management organization in the area to assist the care management organization

1 in developing a network of service providers that includes a sufficient number of
2 accessible, convenient and desirable services.

3 ***-0030/2.42* SECTION 1026.** 46.27 (4) (c) 4. of the statutes is created to read:
4 46.27 (4) (c) 4. Advise care management organizations about whether to offer
5 optional acute and primary health care services and, if so, how these benefits should
6 be offered.

7 ***-0030/2.43* SECTION 1027.** 46.27 (4) (c) 8. of the statutes is renumbered 46.27
8 (4) (c) 1. h. and amended to read:

9 46.27 (4) (c) 1. h. If a pilot project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is
10 established in the county, a description of how the activities of the pilot project relate
11 to and are coordinated with the county's proposed program.

12 ***-0030/2.44* SECTION 1028.** 46.27 (5) (am) of the statutes is amended to read:
13 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
14 department or aging unit shall utilize persons for each assessment who can
15 determine the needs of the person being assessed and who know the availability
16 within the county of services alternative to placement in a nursing home. If any
17 hospital patient is referred to a nursing home for admission, these persons shall work
18 with the hospital discharge planner in performing the activities specified in sub. (6).
19 The county department or aging unit shall coordinate the involvement of
20 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
21 51.437, health service providers and the county commission on aging in the
22 assessment activities specified in sub. (6), as well as the person being assessed and
23 members of the person's family or the person's guardian. This paragraph does not
24 apply to a county department or aging unit in a county where a pilot project under
25 s. ~~46.271 (2m)~~ 46.281 (1) (d) is established.

SECTION 1029

1 *~~0030/2.45~~* SECTION 1029. 46.27 (6) (a) 3. of the statutes is amended to read:

2 46.27 (6) (a) 3. In each participating county, except in counties where a pilot
3 project under s. ~~46.271 (2m)~~ 46.281 (1) (d) is established, assessments shall be
4 conducted for those persons and in accordance with the procedures described in the
5 county's community options plan. The county may elect to establish assessment
6 priorities for persons in target groups identified by the county in its plan regarding
7 gradual implementation. If a person who is already admitted to a nursing home
8 requests an assessment and if funds allocated for assessments under sub. (7) (am)
9 are available, the county shall conduct the assessment.

10 *~~0030/2.46~~* SECTION 1030. 46.27 (6g) (intro.) of the statutes is amended to
11 read:

12 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
13 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
14 assessment, unless the assessment is performed by an entity under s. ~~46.271 (2m)~~
15 46.281 (1) (d), case plan or services provided to a person under this section is as
16 follows:

17 *~~0266/3.1~~* SECTION 1031. 46.27 (6u) (c) 2. of the statutes is amended to read:

18 46.27 (6u) (c) 2. For a person who is determined to be financially eligible under
19 subd. 1. calculate, by use of the uniform fee system under s. 46.03 (18), the amount
20 of cost sharing required for receipt of long-term community support services
21 provided under sub. (5) (b). The county department or aging unit shall require
22 payment by the person of 100% of the amount calculated under this subdivision,
23 unless the person pays the premiums established under s. 49.472 (4) (a). If the
24 person pays those premiums, the county department or aging unit may not require
25 any payment from the person under this subdivision.

1 ***-0030/2.47*** **SECTION 1032.** 46.27 (7) (am) of the statutes is amended to read:

2 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
3 shall allocate funds to each county or private nonprofit agency with which the
4 department contracts to pay assessment and case plan costs under sub. (6) not
5 otherwise paid by fee or under s. 49.33 (2) or 49.45. The department shall reimburse
6 counties for the cost of assessing persons eligible for medical assistance under s.
7 49.46, 49.468 or 49.47 as part of the administrative services of medical assistance,
8 payable under s. 49.45 (3) (a). Counties may use unspent funds allocated under this
9 paragraph to pay the cost of long-term community support services and for a risk
10 reserve under par. (fr).

11 ***-0030/2.48*** **SECTION 1033.** 46.27 (7) (b) of the statutes is amended to read:

12 46.27 (7) (b) 1m. From the appropriations under s. 20.435 (7) (bd) and (im), the
13 department shall allocate funds to each county to pay the cost of providing long-term
14 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to
15 persons eligible for medical assistance under s. 49.46 or 49.47 or to persons whom
16 the county department or aging unit administering the program finds likely to
17 become medically indigent within 6 months by spending excess income or assets for
18 medical or remedial care. The average per person reimbursement under this
19 paragraph may not exceed the state share of the average per person payment rate
20 the department expects under s. 49.45 (6m). The county department or aging unit
21 administering the program may spend funds received under this paragraph only in
22 accordance with the case plan and service contract created for each person receiving
23 long-term community support services. Counties may use unspent funds allocated
24 under this paragraph from the appropriation under s. 20.435 (7) (bd) for a risk
25 reserve under par. (fr).

SECTION 1034

1 ***-0327/1.1*** **SECTION 1034.** 46.27 (7) (cj) 3. a. of the statutes is amended to read:

2 46.27 (7) (cj) 3. a. An assessment under sub. (6) has been completed for the
3 person prior to the person's admission to the community-based residential facility,
4 whether or not the person is a private pay admittee at the time of admission. The
5 county may waive this condition in accordance with guidelines established by the
6 department. If the county waives this condition, the county must meet with the
7 person or the person's guardian to discuss the cost-effectiveness of various service
8 options.

9 ***-0030/2.49*** **SECTION 1035.** 46.27 (7) (fm) of the statutes is amended to read:

10 46.27 (7) (fm) The department shall, at the request of a county, carry forward
11 up to 10% of the amount allocated under this subsection to the county for a calendar
12 year if up to 10% of the amount so allocated has not been spent or encumbered by the
13 county by December 31 of that year, for use by the county in the following calendar
14 year, except that the amount carried forward shall be reduced by the amount of funds
15 that the county has notified the department that the county wishes to place in a risk
16 reserve under par. (fr). The department may transfer funds within s. 20.435 (7) (bd)
17 to accomplish this purpose. An allocation under this paragraph does not affect a
18 county's base allocation under this subsection and shall lapse to the general fund
19 unless expended within the calendar year to which the funds are carried forward.
20 A county may not expend funds carried forward under this paragraph for
21 administrative or staff costs, except administrative or staff costs that are associated
22 with implementation of the waiver under sub. (11) and approved by the department.

23 ***-0030/2.50*** **SECTION 1036.** 46.27 (7) (fr) of the statutes is created to read:

24 46.27 (7) (fr) 1. Notwithstanding s. 46.036 (3) and (5m), a county may place in
25 a risk reserve funds that are allocated under par. (am) or (b) or sub. (11) (c) 3. and

1 are not expended or encumbered for services under this subsection or sub. (11). The
2 county shall notify the department of this decision and of the amount to be placed in
3 the risk reserve. The county shall maintain the risk reserve in an interest-bearing
4 escrow account with a financial institution, as defined in s. 69.30 (1) (b), if the
5 department has approved the terms of the escrow. All interest from the principal
6 shall be reinvested in the escrow account.

7 2. The annual amount of a county's expenditure for a risk reserve, as specified
8 in subd. 1., may not exceed 10% of the county's most recent allocation under pars.
9 (am) and (b) and sub. (11) (c) 3. or \$750,000, whichever is less. The total amount of
10 the risk reserve, including interest, may not exceed 15% of the county's most recent
11 allocation under this subsection.

12 3. A county may expend funds maintained in a risk reserve, as specified in subd.
13 1., for any of the following purposes:

14 a. To defray costs of long-term community support services under this section.

15 b. To meet requirements under any contract that the county has with the
16 department to operate a care management organization under s. 46.284.

17 c. If approved by a resolution of the county board of supervisors, to transfer
18 funds to a family care district.

19 d. If approved by the department, for administrative or staff costs under this
20 section.

21 4. A county that maintains a risk reserve, as specified in subd. 1., shall
22 annually, on a form prescribed by the department, submit to the department a record
23 of the status of the risk reserve, including revenues and disbursements.

24 ***-0030/2.51* SECTION 1037.** 46.27 (7) (g) (intro.) of the statutes is amended to
25 read:

1 46.27 (7) (g) (intro.) The department may carry forward to the next state fiscal
2 year up to \$500,000 of funds allocated under this subsection and not encumbered by
3 counties by December 31 or carried forward under par. (fm). The department may
4 transfer moneys within s. 20.435 (7) (bd) to accomplish this purpose. An allocation
5 under this paragraph shall not affect a county's base allocation for the program. The
6 department may allocate these transferred moneys during the next fiscal year to
7 counties for planning and implementation of resource centers under s. 46.283 or care
8 management organizations under s. 46.284 and for the improvement or expansion
9 of long-term community support services for clients whose cost of care significantly
10 exceeds the average cost of care provided under this section, including any of the
11 following:

12 ***-1295/2.2*** SECTION 1038. 46.27 (7g) (c) 3. (intro.) of the statutes is amended
13 to read:

14 46.27 (7g) (c) 3. (intro.) The court shall reduce the amount of a claim under
15 subd. 1. by up to ~~\$3,000~~ the amount specified in s. 861.33 (2) if necessary to allow the
16 client's heirs or the beneficiaries of the client's will to retain the following personal
17 property:

18 ***-1295/2.3*** SECTION 1039. 46.27 (7g)(c) 3. c. of the statutes is amended to read:

19 46.27 (7g) (c) 3. c. Other tangible personal property not used in trade,
20 agriculture or other business, not to exceed \$1,000 in value the amount specified in
21 s. 861.33 (1) (a) 4.

22 ***-0260/2.1*** SECTION 1040. 46.27 (7g) (c) 5. of the statutes is renumbered 46.27
23 (7g) (c) 5. a. and amended to read:

24 46.27 (7g) (c) 5. a. If the department's claim is not allowable because of subd.
25 4. and the estate includes an interest in a home, the court exercising probate

1 jurisdiction shall, in the final judgment or summary findings and order, assign the
2 interest in the home subject to a lien in favor of the department for the amount
3 described in subd. 1. The personal representative or petitioner for summary
4 settlement or summary assignment of the estate shall record the final judgment as
5 provided in s. 863.29, 867.01 (3) (h) or 867.02 (2) (h).

6 ***-0260/2.2* SECTION 1041.** 46.27 (7g) (c) 5. b. of the statutes is created to read:
7 46.27 (7g) (c) 5. b. If the department's claim is not allowable because of subd.
8 4., the estate includes an interest in a home and the personal representative closes
9 the estate by sworn statement under s. 865.16, the personal representative shall
10 stipulate in the statement that the home is assigned subject to a lien in favor of the
11 department for the amount described in subd. 1. The personal representative shall
12 record the statement in the same manner as described in s. 863.29, as if the
13 statement were a final judgment.

14 ***-1295/2.4* SECTION 1042.** 46.27 (7g) (h) of the statutes is created to read:
15 46.27 (7g) (h) The department may contract with or employ an attorney to
16 probate estates to recover under this subsection the costs of care.

17 ***-0028/7.35* SECTION 1043.** 46.27 (9) (a) of the statutes is amended to read:
18 46.27 (9) (a) The department may select up to 5 counties that volunteer to
19 participate in a pilot project under which they will receive certain funds allocated for
20 long-term care. The department shall allocate a level of funds to these counties
21 equal to the amount that would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) to nursing
22 homes for providing care because of increased utilization of nursing home services,
23 as estimated by the department. In estimating these levels, the department shall
24 exclude any increased utilization of services provided by state centers for the

1 developmentally disabled. The department shall calculate these amounts on a
2 calendar year basis under sub. (10).

3 ***-0030/2.52* SECTION 1044.** 46.27 (9) (c) of the statutes is amended to read:

4 46.27 (9) (c) All long-term community support services provided under this
5 pilot project in lieu of nursing home care shall be consistent with those services
6 described in the participating county's community options plan under sub. (4) (c) 1
7 and provided under sub. (5) (b). Unless the department has contracted under s.
8 ~~46.271 (2m)~~ 46.281 (1) (d) with an entity other than the county department, each
9 county participating in the pilot project shall assess persons under sub. (6).

10 ***-0028/7.36* SECTION 1045.** 46.27 (10) (a) 1. of the statutes is amended to read:

11 46.27 (10) (a) 1. The department shall determine for each county participating
12 in the pilot project under sub. (9) a funding level of state medical assistance
13 expenditures to be received by the county. This level shall equal the amount that the
14 department determines would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) because
15 of increased utilization of nursing home services, as estimated by the department.

16 ***-0028/7.37* SECTION 1046.** 46.27 (11) (c) 3. of the statutes is amended to read:

17 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
18 private nonprofit agency or an aging unit with which the department contracts
19 provides under this subsection shall be made from the appropriations under s. 20.435
20 ~~(5)~~ (4) (o) and (7) (b) and (bd).

21 ***-0028/7.38* SECTION 1047.** 46.27 (11) (c) 4. of the statutes is amended to read:

22 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435
23 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by
24 counties that are in excess of the current average annual per person rate, as

1 established by the department, and are less than or equal to the average amount
2 approved in the waiver received under par. (am).

3 ***-0327/1.2* SECTION 1048.** 46.27 (11) (c) 5n. a. of the statutes is amended to
4 read:

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

12 ***-0030/2.53* SECTION 1049.** 46.271 (2m) of the statutes is repealed.

13 ***-0028/7.39* SECTION 1050.** 46.275 (5) (a) of the statutes is amended to read:

14 46.275 (5) (a) Medical assistance reimbursement for services a county, or the
15 department under sub. (3r), provides under this program is available from the
16 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract
17 to provide services under this program and the department approves the contract,
18 medical assistance reimbursement is also available for services provided jointly by
19 these counties.

20 ***-0028/7.40* SECTION 1051.** 46.275 (5) (c) of the statutes is amended to read:

21 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties
22 and to the department under sub. (3r) for services provided under this section may
23 not exceed the amount approved by the federal department of health and human
24 services. A county may use funds received under this section only to provide services
25 to persons who meet the requirements under sub. (4) and may not use unexpended

1 funds received under this section to serve other developmentally disabled persons
2 residing in the county.

3 ***-0028/7.41* SECTION 1052.** 46.275 (5) (d) of the statutes is amended to read:

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

9 ***-0327/1.3* SECTION 1053.** 46.277 (5) (d) 1n. a. of the statutes is amended to
10 read:

11 46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for
12 the person prior to the person's admission to the community-based residential
13 facility, whether or not the person is a private pay admittee at the time of admission.
14 The county may waive this condition in accordance with guidelines established by
15 the department. If the county waives this condition, the county must meet with the
16 person or the person's guardian to discuss the cost-effectiveness of various service
17 options.

18 ***-0028/7.42* SECTION 1054.** 46.278 (6) (d) of the statutes is amended to read:

19 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
20 share of service costs under the waiver received under sub. (3), the department may,
21 from the appropriation under s. 20.435 (5) (4) (o), provide reimbursement for services
22 that the county provides under this section to persons who are in addition to those
23 who may be served under this section with funds from the appropriation under s.
24 20.435 (5) (4) (b).

1 ***-0316/1.1* SECTION 1055.** 46.278 (6) (e) of the statutes is renumbered 46.278
2 (6) (e) 1. (intro.) and amended to read:

3 46.278 (6) (e) 1. (intro.) The department may provide enhanced reimbursement
4 for services under the program for an individual who was relocated to the community
5 by a county department from ~~an~~ one of the following:

6 a. An intermediate care facility for the mentally retarded that closes under s.
7 50.03 (14).

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

10 ***-0316/1.2* SECTION 1056.** 46.278 (6) (e) 1. b. of the statutes is created to read:

11 46.278 (6) (e) 1. b. An intermediate care facility for the mentally retarded or
12 a distinct part thereof that has a plan of closure approved by the department and that
13 intends to close within 12 months.

14 ***-0030/2.54* SECTION 1057.** 46.2805 of the statutes is created to read:

15 **46.2805 Definitions; long-term care.** In ss. 46.2805 to 46.2895:

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

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

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

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

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

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

7 (5) “Family care district” means a special purpose district created under s.
8 46.2895 (1).

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

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

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

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

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

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

21 *~~0030/2.55~~* SECTION 1058. 46.281 of the statutes is created to read:

22 **46.281 Powers and duties of the department and the secretary;**
23 **long-term care. (1) DUTIES OF THE DEPARTMENT.** The department shall do all of the
24 following:

1 (a) Provide training to members of the council on long-term care who are aged
2 65 or older or who have physical or developmental disabilities or their family
3 members, guardians or other advocates, to enable these members to participate in
4 the council's duties.

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

7 (c) Request from the secretary of the federal department of health and human
8 services any waivers of federal medicaid laws necessary to permit the use of federal
9 moneys to provide the family care benefit to recipients of medical assistance. The
10 department shall implement any waiver that is approved and that is consistent with
11 ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department
12 may implement operation of resource centers, care management organizations and
13 the family care benefit.

14 (d) Before July 1, 2001:

15 1. Establish, in geographic areas determined by the department, a pilot project
16 under which the department may contract with a county, a family care district, a
17 tribe or band or the Great Lakes inter-tribal council, inc., or with any 2 or more of
18 these entities under a joint application, to operate a resource center.

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

22 (e) After June 30, 2001, contract with one or more entities certified as meeting
23 requirements under s. 46.284 (3) for services of the entity as a care management
24 organization and one or more entities for services specified under s. 46.283 (3) and
25 (4).

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

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

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

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

10 3. Conduct ongoing evaluations of the long-term care system specified in ss.
11 46.2805 to 46.2895.

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

14 5. Ensure that reviews of the quality of management and service delivery of
15 resource centers and care management organizations are conducted by external
16 organizations and make information about specific review results available to the
17 public.

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

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

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

4 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county, nursing
5 home, community-based residential facility, adult family home and residential care
6 apartment complex the date on which a resource center that serves the area of the
7 county, nursing home, community-based residential facility, adult family home or
8 residential care apartment complex is first available to provide a functional and
9 financial screen. To facilitate phase-in of services of resource centers, the secretary
10 may certify that the resource center is available for specified groups of eligible
11 individuals or for specified facilities in the county.

12 *~~0030/2.56~~* **SECTION 1059.** 46.281 (1) (a) of the statutes, as created by 1999
13 Wisconsin Act (this act), is repealed.

14 *~~0030/2.57~~* **SECTION 1060.** 46.281 (1) (b) of the statutes, as created by 1999
15 Wisconsin Act (this act), is repealed.

16 *~~0030/2.58~~* **SECTION 1061.** 46.282 of the statutes is created to read:

17 **46.282 Council on long-term care.** The council on long-term care appointed
18 under s. 15.197 (5) shall do all of the following:

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

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

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

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

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

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

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

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

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

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

11 (5) Review patterns of utilization of various types of services by care
12 management organizations.

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

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

18 (a) Numbers of persons served.

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

20 (c) The number and service areas of resource centers and care management
21 organizations.

22 (d) Waiting list information.

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

1 ***-0030/2.59*** **SECTION 1062.** 46.282 of the statutes, as created by 1999
2 Wisconsin Act (this act), is repealed.

3 ***-0030/2.60*** **SECTION 1063.** 46.283 of the statutes is created to read:

4 **46.283 Resource centers. (1) APPLICATION FOR CONTRACT.** (a) A county board
5 of supervisors and, in a county with a county executive or a county administrator, the
6 county executive or county administrator, may decide all of the following:

7 1. Whether to authorize one or more county departments under s. 46.21,
8 46.215, 46.22 or 46.23 or an aging unit under s. 46.82 (1) (a) 1. or 2. to apply to the
9 department for a contract to operate a resource center and, if so, which to authorize
10 and what client group to serve.

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

13 (b) The governing body of a tribe or band or of the Great Lakes inter-tribal
14 council, inc., may decide whether to authorize a tribal agency to apply to the
15 department for a contract to operate a resource center for tribal members and, if so,
16 which client group to serve.

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

22 (d) Under the requirements of par. (b), the governing body of a tribe or band may
23 decide to apply to the department for a contract to operate a resource center in
24 conjunction with the governing body or governing bodies of one or more other tribes

1 or bands or the Great Lakes inter-tribal council, inc., or with a county board of
2 supervisors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (k) A determination of eligibility for state supplemental payments under s.
20 49.77, medical assistance under s. 49.46, 49.468 or 49.47 or the federal food stamp
21 program under 7 USC 2011 to 2029.

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

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

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

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

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

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

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

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

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

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

✓ (pa)

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

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

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

10 (7) EXCHANGE OF INFORMATION. Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
11 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78
12 (2) (a), a resource center acting under this section may exchange confidential
13 information about a client, as defined in s. 46.287 (1), without the informed consent
14 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284
15 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of the resource center,
16 if necessary to enable the resource center to perform its duties or to coordinate the
17 delivery of services to the client.

18 *-0030/2.61* SECTION 1064. 46.284 of the statutes is created to read:

19 46.284 Care management organizations. (1) APPLICATION FOR CONTRACT
20 (a) A county board of supervisors and, in a county with a county executive or a county
21 administrator, the county executive or county administrator, may decide all of the
22 following:

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

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

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

11 (c) Under the requirements of par. (a), a county board of supervisors may decide
12 to apply to the department for a contract to operate a multicounty care management
13 organization in conjunction with the county board or boards of one or more other
14 counties or a county-tribal care management organization in conjunction with the
15 governing body of a tribe or band or the Great Lakes inter-tribal council, inc.

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

21 **(2) CONTRACTS.** (a) The department may contract for operation of a care
22 management organization only with an entity that is certified as meeting the
23 requirements under sub. (3). No entity may operate as a care management
24 organization under the requirements of this section unless so certified and under
25 contract with the department.

1 (b) Within each county, the department shall initially contract to operate a care
2 management organization with the county or a family care district if the county
3 elects to operate a care management organization and the care management
4 organization meets the requirements of sub. (3) and performance standards
5 prescribed by the department. A county that contracts under this paragraph may
6 operate the care management organization for all of the target groups or for a
7 selected group or groups. During the first 24 months in which the county has a
8 contract under which it accepts a per person per month payment for each enrollee
9 in the care management organization, the department may not contract with
10 another organization to operate a care management organization in the county
11 unless any of the following applies:

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

14 2. The county does not have the capacity to serve all county residents who are
15 entitled to the family care benefit in the client group or groups that the county serves
16 and cannot develop the capacity.

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

20 (c) For contracts following the initial contracts specified in par. (b), the
21 department shall, after consulting with the council on long-term care, prescribe
22 criteria to determine the number of care management organizations that are
23 necessary for operation in a county. Under these criteria, the department shall solicit
24 applications, certify those applicants that meet the requirements specified in sub. (3)
25 (a), select certified applicants for contract and contract with the selected applicants.

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

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

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

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

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

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

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

21 6. Expertise in determining and meeting the needs of every target population
22 that the applicant proposes to serve and connections to the appropriate service
23 providers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (h) Submit to the department reports and data required or requested by the
19 department.

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

22 (j) Cooperate with external quality assurance reviews.

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

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

1 (5) FUNDING AND RISK-SHARING. (a) From the appropriation accounts under s.
2 20.435 (4) (b), (g) and (o) and (7) (b) and (bd), the department shall provide funding
3 on a capitated payment basis for the provision of services under this section.
4 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
5 under contract with the department may expend the funds, consistent with this
6 section, including providing payment, on a capitated basis, to providers of services
7 under the family care benefit.

 ***NOTE: This is reconciled s. 46.284 (5) (a). This paragraph has been affected by
 drafts with the following LRB numbers: LRB-0028/6 and LRB-0030/P4.

8 (b) If the expenditures by a care management organization under par. (a)
9 exceed payments received from the department under par. (a), as determined by the
10 department by contract, the department may share the loss with the care
11 management organization, within the limits prescribed under the contract with the
12 department.

13 (c) If the payments received from the department under par. (a) exceed the
14 expenditures by a care management organization under par. (a), as determined by
15 the department by contract, the care management organization may retain a portion
16 of the excess payments, within the limits prescribed under the contract with the
17 department, and shall return the remainder to the department.

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

21 1. The requirement that a care management organization segregate a risk
22 reserve from other funds of the care management organization or the authorizing
23 body for the care management organization.

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

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

4 4. The requirement that a care management organization place funds in a risk
5 reserve and maintain the risk reserve in an interest-bearing escrow account with a
6 financial institution, as defined in s. 69.30 (1) (b), or invest funds as specified in s.
7 46.2895 (4) (j) 2. or 3. Moneys in the risk reserve or invested as specified in this
8 subdivision may be expended only for the provision of services under this section.
9 If a care management organization ceases participation under this section, the funds
10 in the risk reserve or invested as specified in this subdivision, minus any
11 contribution of moneys other than those specified in par. (c), shall be returned to the
12 department. The department shall expend the moneys for the payment of
13 outstanding debts to providers of family care benefit services and for the
14 continuation of family care benefit services to enrollees.

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

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

22 **(6) GOVERNING BOARD.** A care management organization shall have a governing
23 board that reflects the ethnic and economic diversity of the geographic area served
24 by the care management organization. At least one-fourth of the members of the
25 governing board shall be older persons or persons with physical or developmental

1 disabilities or their family members, guardians or other advocates who are
2 representative of the care management organization's enrollee.

3 (7) EXCHANGE OF INFORMATION. Notwithstanding ss. 48.78 (2) (a), 49.45 (4),
4 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78
5 (2) (a), a care management organization acting under this section may exchange
6 confidential information about a client, as defined in s. 46.287 (1), without the
7 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
8 46.23 (3) (e), 46.283 (7), 46.2895 (10), 51.42 (3) (e) or 51.437 (4r) (b) in the county of
9 the care management organization, if necessary to enable the care management
10 organization to perform its duties or to coordinate the delivery of services to the
11 client.

12 *~~0030/2.62~~* SECTION 1065. 46.284 (2) (c) of the statutes, as created by 1999
13 Wisconsin Act (this act), is amended to read:

14 46.284 (2) (c) For contracts following the initial contracts specified in par. (b),
15 the department shall, ~~after consulting with the council on long-term care~~, prescribe
16 criteria to determine the number of care management organizations that are
17 necessary for operation in a county. Under these criteria, the department shall solicit
18 applications, certify those applicants that meet the requirements specified in sub. (3)
19 (a), select certified applicants for contract and contract with the selected applicants.

20 *~~0030/2.63~~* SECTION 1066. 46.285 of the statutes is created to read:

21 **46.285 Operation of resource center and care management**
22 **organization.** In order to meet federal requirements and assure federal financial
23 participation in funding of the family care benefit, a county, a tribe or band, a family
24 care district or an organization, including a private, nonprofit corporation, may not
25 directly operate both a resource center and a care management organization. All of

1 the following apply to operation of both a resource center and a care management
2 organization:

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

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

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

18 (b) If the governing body of a tribe or band elects to apply to the department
19 for a contract directly to operate a care management organization, tribal or band
20 members may form a separate corporation to apply to the department for a contract
21 to operate a resource center. No members of the governing board of the corporation
22 may be members of the tribal or band governing body.

23 (3) JOINT COUNTY AND TRIBAL OR BAND OPERATION. Any county or family care
24 district that seeks to operate jointly with a tribe or band or tribal or band corporation
25 a care management organization or resource center shall submit jointly with the

1 tribe or band or tribal or band corporation an application to the department to
2 operate the care management organization or resource center.

3 *–0030/2.64* **SECTION 1067.** 46.286 of the statutes is created to read:

4 **46.286 Family care benefit. (1) ELIGIBILITY.** Except as provided in sub. (1m),
5 a person is eligible for, but not necessarily entitled to, the family care benefit if the
6 person is at least 18 years of age; does not have a primary disabling condition of
7 mental illness, substance abuse or developmental disability; and meets all of the
8 following criteria:

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

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

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

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

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

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

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

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

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

6 e. County funding, if documented by the county under a method prescribed by
7 the department.

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

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

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

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

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

20 **(1m) ELIGIBILITY EXCEPTION.** A person whose primary disabling condition is
21 developmental disability is eligible for the family care benefit if the person is a
22 resident of a county or is a member of a tribe or band that has operated, before July
23 1, 2001, a care management organization under s. 46.281 (1) (d) and meets all other
24 eligibility criteria under this subsection.

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

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

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

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

17 1. Is functionally eligible at the comprehensive level.

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

19 (b) 1. b.

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

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

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

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

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

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

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

16 (d) The department shall determine the date, which shall not be later than July
17 1, 2000, on which par. (a) shall first apply to persons who are not eligible for medical
18 assistance under ch. 49.

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

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

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

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

10 ***-0030/2.65*** **SECTION 1068.** 46.287 of the statutes is created to read:

11 **46.287 Hearings. (1) DEFINITION.** In this section, “client” means a person
12 applying for eligibility for the family care benefit, an eligible person or an enrollee.

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

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

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

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

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

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

23 f. Development of a plan of care that is unacceptable because the plan of care
24 requires the enrollee to live in a place that is unacceptable to the enrollee or the plan

1 of care provides care, treatment or support items that are insufficient to meet the
2 enrollee's needs, are unnecessarily restrictive or are unwanted by the enrollee.

3 g. Termination of the family care benefit.

4 2. An applicant for or recipient of medical assistance is not entitled to a hearing
5 concerning the identical dispute or matter under both this section and 42 CFR
6 431.200 to 431.246.

7 (b) An enrollee may contest a decision of a care management organization
8 regarding the type, amount or quality of the enrollee's services under the family care
9 benefit, other than those specified in par. (a) 1. d. to f., or may contest the choice of
10 service provider. In these instances, the enrollee shall first send a written request
11 for review by the unit of the department that monitors care management
12 organization contracts. This unit shall review and attempt to resolve the dispute.
13 If the dispute is not resolved to the satisfaction of the enrollee, he or she may request
14 a hearing under the procedures specified in par. (a) 1. (intro.).

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

19 ***-0030/2.66* SECTION 1069.** 46.288 of the statutes is created to read:

20 **46.288 Rule-making.** The department shall promulgate as rules all of the
21 following:

22 (1) Standards for performance by resource centers and for certification of care
23 management organizations, including requirements for maintaining quality
24 assurance and quality improvement.

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

3 (3) Criteria and procedures for determining functional eligibility under s.
4 46.286 (1)(a), financial eligibility under s. 46.286 (1) (b), cost sharing under s. 46.286
5 (2) (a) and entitlement under s. 46.286 (3). The rules for determining functional
6 eligibility under s. 46.286 (1) (a) 1. a. shall be substantially similar to eligibility
7 criteria for receipt of the long-term support community options program under s.
8 46.27. Rules under this subsection shall include definitions of the following terms
9 applicable to s. 46.286:

10 (a) "Primary disabling condition".

11 (b) "Mental illness".

12 (c) "Substance abuse".

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

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

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

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

18 (h) "Gross monthly income".

19 (i) "Deductions and allowances".

20 (j) "Countable assets".

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

22 *-0030/2.67* **SECTION 1070.** 46.289 of the statutes is created to read:

23 **46.289 Transition.** In order to facilitate the transition to the long-term care
24 system specified in ss. 46.2805 to 46.2895, within the limits of applicable federal
25 statutes and regulations and if the secretary of health and family services finds it

1 necessary, he or she may grant a county limited waivers to or exemptions from ss.
2 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2. and 3. and (b) (intro.),
3 1. and 2., (6r) (c), (7) (b), (cj) and (cm) and (11) (c) 5m. (intro.) and 6. and 46.277 (3)
4 (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated under those provisions.

5 ***-0030/2.68* SECTION 1071.** 46.2895 of the statutes is created to read:

6 **46.2895 Family care district. (1) CREATION.** (a) A county board of
7 supervisors may create a special purpose district that is termed a “family care
8 district”, that is a local unit of government, that is separate and distinct from, and
9 independent of, the state and the county, and that has the powers and duties
10 specified in this section, if the county board does all of the following:

11 1. Adopts an enabling resolution that does all of the following:
12 a. Declares the need for establishing the family care district.
13 b. Specifies the family care district’s primary purpose, which shall be to
14 operate, under contract with the department, either a resource center under s.
15 46.283 or a care management organization under s. 46.284, but not both.

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

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

22 **(2) JURISDICTION.** A family care district’s jurisdiction is the geographical area
23 of the county or counties of the county board or boards of supervisors who created the
24 family care district.

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

6 2. The county boards of supervisors of 2 or more contiguous counties shall
7 appoint the members of the family care district board, which is the governing board
8 of the family care district under sub. (1) (b). Each county board shall appoint
9 members in the same proportion that the county's population represents to the total
10 population of all of the counties that constitute the jurisdiction of the family care
11 district.

12 (b) 1. The family care district board appointed under par. (a) 1. shall consist of
13 15 persons who are residents of the area of jurisdiction of the family care district.
14 At least one-fourth of the members shall be representative of the client group or
15 groups whom it is the family care district's primary purpose to serve or those clients'
16 family members, guardians or other advocates.

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

23 3. Membership of the family care district board under subd. 1. or 2. shall reflect
24 the ethnic and economic diversity of the area of jurisdiction of the family care district.
25 No member of the board may be an elected or appointed official or an employe of the

1 county or counties that created the family care district. No member of the board may
2 have a private financial interest in or profit directly or indirectly from any contract
3 or other business of the family care district.

4 (c) The members of the family care district board appointed under par. (a) shall
5 serve 3-year terms. No member may serve more than 2 consecutive terms. Of the
6 members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for
7 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder,
8 shall be appointed for 5 years. A member shall serve until his or her successor is
9 appointed.

10 (d) As soon as possible after the appointment of the initial members of the
11 family care district board, the board shall organize for the transaction of business
12 and elect a chairperson and other necessary officers. Each chairperson shall be
13 elected by the board from time to time for the term of that chairperson's office as a
14 member of the board or for the term of 3 years, whichever is shorter, and shall be
15 eligible for reelection. A majority of the board shall constitute a quorum. The board
16 may act based on the affirmative vote of a majority of a quorum.

17 (4) POWERS. Subject to sub. (1) (a) 1. b., a family care district has all the powers
18 necessary or convenient to carry out the purposes and provisions of ss. 46.2805 to
19 46.2895. In addition to all these powers, a family care district may do all of the
20 following:

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

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

1 (c) Sue and be sued.

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

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

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

10 (g) Subject to sub. (8), employ any agent, employe or special adviser that the
11 family care district finds necessary, fix and regulate his or her compensation and
12 provide, either directly or subject to an agreement under s. 66.30 as a participant in
13 a benefit plan of another governmental entity, any employe benefits, including an
14 employe pension plan.

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

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

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

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

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

SECTION 1071

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

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

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

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

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

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

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

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

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

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

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

24 (f) Subject to sub. (8), procure liability insurance covering its officers, employes
25 and agents, insurance against any loss in connection with its property and other

1 assets and other necessary insurance; establish and administer a plan of
2 self-insurance; or, subject to an agreement under s. 66.30, participate in a
3 governmental plan of insurance or self-insurance.

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

6 (a) Manage the property and business of the family care district and manage
7 the employes of the district, subject to the general control of the family care district
8 board.

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

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

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

15 1. If the family care district offers employment to any individual who was
16 previously employed by the county, who while employed by the county performed
17 duties relating to the same or a substantially similar function for which the
18 individual is offered employment by the district and whose wages, hours and
19 conditions of employment were established in a collective bargaining agreement
20 with the county under subch. IV of ch. 111 that is in effect on the date that the
21 individual commences employment with the district, with respect to that individual,
22 abide by the terms of the collective bargaining agreement concerning the individual's
23 compensation and benefits until the time of the expiration of that collective
24 bargaining agreement or adoption of a collective bargaining agreement with the

1 district under subch. IV of ch. 111 covering the individual as an employe of the
2 district, whichever occurs first.

3 2. If the family care district offers employment to any individual who was
4 previously employed by the county and who while employed by the county performed
5 duties relating to the same or a substantially similar function for which the
6 individual is offered employment by the district, but whose wages, hours and
7 conditions of employment were not established in a collective bargaining agreement
8 with the county under subch. IV of ch. 111 that is in effect on the date the individual
9 commences employment with the district, with respect to that individual, initially
10 provide that individual the same compensation and benefits that he or she received
11 while employed by the county.

12 3. If the family care district offers employment to any individual who was
13 previously employed by the county and who while employed by the county performed
14 duties relating to the same or a substantially similar function for which the
15 individual is offered employment by the district, with respect to that individual,
16 recognize all years of service with the county for any benefit provided or program
17 operated by the district for which an employe's years of service may affect the
18 provision of the benefit or the operation of the program.

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

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

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

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

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

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

18 **(10) EXCHANGE OF INFORMATION.** Notwithstanding sub. (9) and ss. 48.78 (2) (a),
19 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c)
20 and 938.78 (2) (a), a family care district acting under this section may exchange
21 confidential information about a client, as defined in s. 46.287 (1), without the
22 informed consent of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm),
23 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or 51.437 (4r) (b) in the jurisdiction
24 of the family care district, if necessary to enable the family care district to perform
25 its duties or to coordinate the delivery of services to the client.

1 (11) OBLIGATIONS AND DEBTS NOT THOSE OF COUNTY. The obligations and debts
2 of the family care district are not the obligations or debts of the county that created
3 the family care district.

4 (12) ASSISTANCE TO FAMILY CARE DISTRICT. From moneys in the county treasury
5 that are not appropriated to some other purpose, the county board of supervisors
6 under sub. (1) (a) or the county boards of supervisors under sub. (1) (b) may
7 appropriate moneys to the family care district as a gift or may lend moneys to the
8 family care district.

9 (13) DISSOLUTION. Subject to the performance of the contractual obligations of
10 a family care district and if first approved by the secretary of the department, the
11 family care district may be dissolved by the joint action of the family care district
12 board and county board of supervisors under sub. (1) (a) or the county boards of
13 supervisors under sub. (1) (b) that created the family care district. If the family care
14 district is dissolved, the property of the district shall be transferred to the county
15 board of supervisors that created the family care district except as follows:

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

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

22 *~~0027/5.20~~* SECTION 1072. 46.29 (1) (intro.) of the statutes is amended to
23 read:

24 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) ~~(d)~~ (a), the
25 department shall allocate up to \$10,000 in each fiscal year for operation of the council

1 on physical disabilities. The council on physical disabilities shall do all of the
2 following:

3 ***-0275/5.1* SECTION 1073.** 46.40 (1) (a) of the statutes is amended to read:

4 46.40 (1) (a) Within the limits of available federal funds and of the
5 appropriations under s. 20.435 (3) (c) and (7) (b), (kw), (kz) and (o), the department
6 shall distribute funds for community social, mental health, developmental
7 disabilities and alcohol and other drug abuse services and for services under ss.
8 46.51, 46.87, 46.985 and 51.421 to county departments under ss. 46.215, 46.22, 46.23,
9 51.42 and 51.437 and to county aging units, as provided in subs. (2), (2m) and (7) to
10 ~~(8)~~ (9).

****NOTE: This is reconciled s. 46.40 (1) (a). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0271/3 and LRB-0275/4.

11 ***-0271/4.4* SECTION 1074.** 46.40 (1) (bm) of the statutes is created to read:

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

18 ***-0275/5.2* SECTION 1075.** 46.40 (2) of the statutes is amended to read:

19 46.40 (2) BASIC COUNTY ALLOCATION. ~~For~~ Subject to sub. (9), for social services
20 under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall
21 distribute not more than ~~\$285,081,000~~ \$277,177,800 for fiscal year ~~1997-98~~
22 1999-2000 and ~~\$284,948,500~~ \$279,462,400 for fiscal year ~~1998-99~~ 2000-01. Of
23 those amounts, the department shall distribute not more than \$4,500,000 in each

SECTION 1075

1 fiscal year , as provided in s. 46.495 (3), based on performance standards developed
2 under s. 46.47 and incorporated into the contracts under s. 46.031 (2g).

3 ***-0275/5.3* SECTION 1076.** 46.40 (2m) (a) of the statutes is amended to read:

4 46.40 (2m) (a) *Prevention and treatment of substance abuse.* For prevention
5 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the
6 department shall distribute not more than ~~\$10,493,900 in fiscal year 1997-98 and~~
7 ~~not more than \$10,224,100 in fiscal year 1998-99~~ \$11,318,600 in each fiscal year.

8 ***-0275/5.4* SECTION 1077.** 46.40 (8) of the statutes is amended to read:

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

13 ***-0275/5.5* SECTION 1078.** 46.40 (9) of the statutes is created to read:

14 46.40 (9) TRANSFER OR ADJUSTMENT OF COMMUNITY AIDS ALLOCATIONS. (a)
15 *Transfer to family care program and adult protective services allocation.* If a care
16 management organization under s. 46.285 is available in a county, the department
17 may dispose of the amount allocated under sub. (8) to that county and not more than
18 21.3% of the amount allocated under sub. (2) to that county as follows:

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

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

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

4 (c) *Adjustment for medical assistance buy-in program.* If a former recipient of
5 services funded under the allocation under sub. (2) is a participant in the medical
6 assistance buy-in program under s. 49.472, the department may decrease that
7 allocation by the amount that the department estimates it will incur in providing
8 services to that participant under s. 49.472.

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

9 ***-0271/4.5* SECTION 1079.** 46.45 (2) (a) of the statutes is amended to read:

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

20 ***-0274/2.3* SECTION 1080.** 46.45 (2) (a) of the statutes, as affected by 1999
21 Wisconsin Act (this act), is repealed and recreated to read:

1 46.45 (2) (a) If on December 31 of any year there remains unspent or
2 unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the
3 combined amount received under 42 USC 670 to 679a and 42 USC 1396 to 1397e and
4 distributed under s. 46.40 (2) in that year, the department shall carry forward the
5 excess moneys and distribute not less than 50% of the excess moneys to counties
6 having a population of less than 500,000 that are making a good faith effort, as
7 determined by the department, to comply with s. 46.22 (1) (c) 8. f. for services and
8 projects to assist children and families. A county shall use not less than 50% of the
9 moneys distributed to the county under this paragraph for services for children who
10 are at risk of abuse or neglect to prevent the need for child abuse and neglect
11 intervention services. If a county does not comply with s. 46.22 (1) (c) 8. f. before July
12 1, 2006, the department may recover any amounts distributed to that county under
13 this paragraph after June 30, 2001, by billing the county or deducting from that
14 county's allocation under s. 46.40 (2).

****NOTE: This is reconciled s. 46.45 (2) (a). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0271/3 and LRB-0274/1.

15 *~~0275/5.6~~* SECTION 1081. 46.47 of the statutes is amended to read:

16 **46.47 Community aids performance standards.** The department, after
17 consultation with the department of administration and with county departments
18 under ss. 46.215, 46.22, 46.23, 51.42 and 51.437, shall develop performance
19 standards for services funded by community aids funds allocated under s. 46.40. The
20 department shall ~~implement~~ incorporate the performance standards ~~no later than~~
21 July 1, 1996 into all contracts under s. 46.031 (2g) that cover contract periods
22 beginning on or after January 1, 2000.

23 *~~0027/5.21~~* SECTION 1082. 46.48 (3) of the statutes is renumbered 46.481 (1).

1 *~~0277/4.4~~* **SECTION 1083.** 46.48 (6) of the statutes is amended to read:

2 46.48 **(6)** CAREER YOUTH DEVELOPMENT CENTER. The department shall distribute
3 ~~\$110,000~~ \$80,000 in each fiscal year to the career youth development center in the
4 city of Milwaukee. ~~Of these amounts, \$80,000 shall be distributed in each fiscal year~~
5 for the operation of a minority youth substance abuse treatment program and
6 ~~\$30,000 shall be distributed in each fiscal year for drug prevention programs for high~~
7 school athletes in the Milwaukee public school system.

8 *~~0027/5.22~~* **SECTION 1084.** 46.48 (9) of the statutes is renumbered 46.481 (2).

9 *~~0320/3.2~~* **SECTION 1085.** 46.48 (27) of the statutes is renumbered 46.481 (3)
10 and amended to read:

11 46.481 **(3)** GRANTS TO RUNAWAY PROGRAMS. The department shall distribute
12 ~~\$100,000~~ \$50,000 in each fiscal year as grants to programs that provide services for
13 ~~runaways~~ runaway children.

 ****NOTE: This is reconciled s.46.481 (3). This subsection has been affected by
LRB-0027.

14 *~~0027/5.23~~* **SECTION 1086.** 46.48 (28) of the statutes is renumbered 46.481
15 (4).

16 *~~0320/3.3~~* **SECTION 1087.** 46.48 (29) of the statutes is amended to read:

17 46.48 **(29)** ARC COMMUNITY SERVICES, INC. The department shall distribute
18 ~~\$87,500 in fiscal year 1997-98 and \$175,000 in each~~ each fiscal year ~~1998-99~~ to ARC
19 Community Services, Inc., for a program to provide substance abuse day treatment
20 services for pregnant and postpartum women and their infants.

21 *~~0027/5.24~~* **SECTION 1088.** 46.481 (intro.) of the statutes is created to read:

1 **46.481 Grants for children's community programs.** (intro.) From the
2 appropriation under s. 20.435 (3) (bc), the department shall distribute the following
3 grants for children's community programs:

4 ***-0028/7.43* SECTION 1089.** 46.485 (2g) (intro.) of the statutes is amended to
5 read:

6 46.485 (2g) (intro.) From the appropriation under s. 20.435 (5) (4) (b), the
7 department may in each fiscal year transfer funds to the appropriation under s.
8 20.435 (7) (kb) for distribution under this section and from the appropriation under
9 s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each
10 fiscal year to applying counties in this state that meet all of the following
11 requirements, as determined by the department:

12 ***-0028/7.44* SECTION 1090.** 46.485 (3r) of the statutes is amended to read:

13 46.485 (3r) Funds that a county does not encumber before 24 months after
14 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse
15 to the appropriation under s. 20.435 (5) (4) (b).

16 ***-0271/4.6* SECTION 1091.** 46.495 (1) (am) of the statutes is amended to read:

17 46.495 (1) (am) The department shall reimburse each county from the
18 appropriations under s. 20.435 (3) (o) and (7) (b), (kw), (kz) and (o) for social services
19 as approved by the department under ss. 46.215 (1), (2) (c) 1. and (3) and 46.22 (1)
20 (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the
21 administration of or aid granted under s. 49.02.

22 ***-0275/5.7* SECTION 1092.** 46.495 (1) (d) of the statutes is amended to read:

23 46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw),
24 (kz) and (o), the department shall distribute the funding for social services, including
25 funding for foster care or treatment foster care of a child on whose behalf aid is

1 received under s. 46.261, to county departments under ss. 46.215, 46.22 and 46.23
2 as provided under s. 46.40. County matching funds are required for the distributions
3 under s. 46.40 (2) ~~and~~, (8) and (9) (b). Each county's required match for the
4 distributions under s. 46.40 (2) and (8) for a year equals 9.89% of the total of the
5 county's distributions under s. 46.40 (2) and (8) for that year for which matching
6 funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985
7 stats., to spend for juvenile delinquency-related services from its distribution for
8 1987. Each county's required match for the distribution under s. 46.40 (9) (b) for a
9 year equals 9.89% of that county's amounts described in s. 46.40 (9) (a) (intro.) for
10 that year. Matching funds may be from county tax levies, federal and state revenue
11 sharing funds or private donations to the county that meet the requirements
12 specified in s. 51.423 (5). Private donations may not exceed 25% of the total county
13 match. If the county match is less than the amount required to generate the full
14 amount of state and federal funds distributed for this period, the decrease in the
15 amount of state and federal funds equals the difference between the required and the
16 actual amount of county matching funds.

****NOTE: This is reconciled s. 46.495 (1) (d). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0271/3 and LRB-0275/4.

17 ***-0275/5.8* SECTION 1093.** 46.495 (3) of the statutes is created to read:
18 46.495 (3) The department shall pay any performance-based distribution
19 under s. 46.40 (2) earned by a county department under s. 46.215, 46.22 or 46.23 by
20 December 31 of the year after the year in which the performance-based distribution
21 was earned. The county department may expend that distribution for any purpose
22 specified in s. 20.435 (7) (b).

23 ***-1550/1.3* SECTION 1094.** 46.70 (2) of the statutes is amended to read:

SECTION 1094

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

13 ***-1551/1.3*** **SECTION 1095.** 46.71 (1) (intro.) of the statutes is amended to read:

14 46.71 (1) (intro.) From the appropriation under s. 20.435 (7) (~~dm~~) (km), the
15 department shall, for the development of new drug abuse prevention, treatment and
16 education programs that are culturally specific with respect to American Indians or
17 to supplement like existing programs, allocate a total of not more than \$500,000 in
18 each fiscal year to all the elected governing bodies of federally recognized American
19 Indian tribes or bands that submit to the department plans, approved by the
20 department, that do all of the following:

21 ***-1551/1.4*** **SECTION 1096.** 46.71 (2) of the statutes is amended to read:

22 46.71 (2) The amount of funds allocated by the department under sub. (1) may
23 not exceed the amounts appropriated under s. 20.435 (7) (~~dm~~) (km).

24 ***-0277/4.5*** **SECTION 1097.** 46.715 of the statutes is repealed.

25 ***-1695/1.4*** **SECTION 1098.** 46.76 (3) of the statutes is repealed.

1 ***-1695/1.5* SECTION 1099.** 46.765 of the statutes is repealed.

2 ***-0027/5.25* SECTION 1100.** 46.81 (2) of the statutes is amended to read:

3 46.81 (2) From the appropriation under s. 20.435 (7) ~~(dj)~~ (dh), the department
4 shall allocate \$2,298,400 in each fiscal year to aging units to provide benefit
5 specialist services for older individuals. The department shall ensure that each
6 aging unit receives funds and shall take into account the proportion of the state's
7 population of low-income older individuals who reside in a county.

8 ***-0027/5.26* SECTION 1101.** 46.81 (5) of the statutes is amended to read:

9 46.81 (5) From the appropriation under s. 20.435 (7) ~~(dj)~~ (dh) the department
10 shall allocate \$182,500 in each fiscal year to area agencies on aging. Each area
11 agency on aging shall use the funds for training, supervision and legal back-up
12 services for benefit specialists within its area.

13 ***-0030/2.69* SECTION 1102.** 46.82 (3) (a) 19. of the statutes is created to read:

14 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
15 under s. 46.283 (1) (a) 1., apply to the department to operate a resource center under
16 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate
17 the resource center.

18 ***-0030/2.70* SECTION 1103.** 46.82 (3) (a) 20. of the statutes is created to read:

19 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
20 under s. 46.284 (1) (a) 1., apply to the department to operate a care management
21 organization under s. 46.284 and, if the department contracts with the county under
22 s. 46.284 (2), operate the care management organization and, if appropriate, place
23 funds in a risk reserve.

24 ***-0317/1.1* SECTION 1104.** 46.856 of the statutes is renumbered 46.856 (2),
25 and 46.856 (2) (intro.), as renumbered, is amended to read:

1 46.856 (2) (intro.) From the appropriation under s. 20.435 (7) (bg), the
2 department shall award a grant to at least one public agency or private nonprofit
3 organization, ~~as defined in s. 108.02 (19)~~, to do all of the following:

4 *~~-0317/1.2~~* SECTION 1105. 46.856 (1) of the statutes is created to read:

5 46.856 (1) In this section:

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

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

9 *~~-0027/5.27~~* SECTION 1106. 46.86 (1) of the statutes is amended to read:

10 46.86 (1) From the appropriation ~~under s. 20.435 (7) (cp) and (md)~~, the
11 ~~department may award funds and from the appropriation~~ under s. 20.435 (7) (md)
12 the department may award not more than \$125,500 in each fiscal year as grants to
13 counties and private nonprofit entities for treatment for pregnant women and
14 mothers with alcohol and other drug abuse treatment needs; mothers who have
15 alcohol and other drug abuse treatment needs and dependent children up to the age
16 of 5 years; and the dependent children up to the age of 5 years of those mothers. The
17 grants shall be awarded in accordance with the department’s request-for-proposal
18 procedures. The grants shall be used to establish community-based programs,
19 residential family-centered treatment programs or home-based treatment
20 programs. The program under a grant must include alcohol and other drug abuse
21 treatment services, parent education, support services for the children of the women
22 who are enrolled in the program, vocational assistance and housing assistance. Any
23 program funded under this subsection must also provide follow-up aftercare
24 services to each woman and her children for at least 2 years after the date on which
25 a woman has left the program.

1 *~~0320/3.4~~* SECTION 1107. 46.86 (5) of the statutes is amended to read:

2 46.86 (5) From the appropriation under s. 20.435 (7) (md), the department may
3 not distribute more than ~~\$35,000~~ \$235,000 in each fiscal year as a grant to ~~the~~ ARC
4 ~~community services center~~ Community Services, Inc., for women and children in
5 Dane county, to address a ~~projected operation deficit of the center~~; County, to provide
6 additional funding for staff of the center and transportation and meal expenses for
7 chemically dependent women who receive services from the center; ~~and to provide~~
8 additional funding for ~~staff of the center~~.

9 *~~1549/2.1~~* SECTION 1108. 46.86 (6) of the statutes is created to read:

10 46.86 (6) (a) From the appropriation under s. 20.435 (7) (md), the department
11 may award not more than \$1,167,900 in each fiscal year as grants to counties and
12 private entities to provide community-based alcohol and other drug abuse
13 treatment programs that do all of the following:

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

16 2. Emphasize parent education, vocational and housing assistance and
17 coordination with other community programs and with treatment under intensive
18 care.

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

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

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

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

1 *~~1604/4.3~~* **SECTION 1109.** 46.93 (2) (intro.) of the statutes is amended to read:

2 46.93 (2) **PURPOSE; ALLOCATION.** (intro.) From the appropriation under s. 20.434
3 (1) ~~(b)~~ (ky), the board shall award not more than \$439,300 in each of fiscal years
4 ~~1997-98 and 1998-99~~ year for grants to organizations to provide adolescent
5 pregnancy prevention programs or pregnancy services that include health care,
6 education, counseling and vocational training. Types of services and programs that
7 are eligible for grants include all of the following:

8 *~~0271/4.7~~* **SECTION 1110.** 46.985 (7) (a) of the statutes is amended to read:

9 46.985 (7) (a) From the appropriations under s. 20.435 (7) (b), (kw), (kz) and
10 (o), the department shall allocate to county departments funds for the
11 administration and implementation of the program.

12 *~~0277/4.6~~* **SECTION 1111.** 46.99 of the statutes is created to read:

13 **46.99 Brighter futures initiative.** (1) **DEFINITION.** In this section

14 (a) "Nonprofit corporation" means a nonstock, nonprofit corporation organized
15 under ch. 181.

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

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

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

3 2. Prevent and reduce the incidence of youth alcohol and other drug use and
4 abuse.

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

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

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

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

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

24 **(3) OUTCOMES EXPECTED.** (a) The department shall provide a set of benchmark
25 indicators to measure the outcomes that are expected of a program funded under sub.

SECTION 1111

1 (2) (a). Those benchmark indicators shall measure all of the following among youth
2 who have participated in a program funded under sub. (2) (a) or (b):

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

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

19 ***-0277/4.7* SECTION 1112.** 46.995 of the statutes, as affected by 1999
20 Wisconsin Act (this act), is repealed.

***NOTE: This is reconciled s. 46.995. This SECTION has been affected by drafts with
the following LRB numbers: LRB-0277/3 and LRB-1548/4.

21 ***-1548/5.2* SECTION 1113.** 46.995 (2) (intro.) of the statutes is amended to
22 read:

1 46.995 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. (intro.) From the
2 appropriation account under s. 20.435 (3) (~~eg~~) (ky), the department may allocate
3 \$582,100 in each fiscal year to provide a grant annually to a public or private entity
4 or to the elected governing body of a federally recognized American Indian tribe or
5 band to provide services in counties or to a tribe or band for adolescent parents which
6 shall emphasize high school graduation and vocational preparation, training and
7 experience and may be structured so as to strengthen the adolescent parent's
8 capacity to fulfill parental responsibilities by developing social skills and increasing
9 parenting skills. The public or private entity seeking to receive a grant to provide
10 these services shall develop a proposed service plan that is approved by the
11 department. Except with respect to award of a grant to a tribe or band, the
12 department shall rank individual counties and give priority by this ranking for the
13 award of grants under this subsection, based on all of the following factors:

14 ***-1548/5.3*** SECTION 1114. 46.995 (3) of the statutes is amended to read:

15 46.995 (3) ADOLESCENT PREGNANCY PREVENTION SERVICES. From the
16 appropriation under s. 20.435 (3) (~~eg~~) (ky), the department may allocate \$340,000 in
17 each fiscal year to provide a grant annually to a public or private entity or to the
18 elected governing body of a federally recognized American Indian tribe or band to
19 provide to high-risk adolescents pregnancy and parenthood prevention services
20 which shall be structured so as to increase development of decision-making and
21 communications skills, promote graduation from high school and expand career and
22 other options and which may address needs of adolescents with respect to pregnancy
23 prevention. Except with respect to award of a grant to a tribe or band, the
24 department shall rank individual counties and give priority by this ranking for the

1 award of grants under this subsection, based on the factors specified under sub. (2)
2 (a) to (d).

3 ***-0277/4.8* SECTION 1115.** 46.996 of the statutes, as affected by 1999
4 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 46.996. This SECTION has been affected by drafts with
the following LRB numbers: LRB-0277/3 and LRB-1548/4.

5 ***-1548/5.4* SECTION 1116.** 46.996 (intro.) of the statutes is amended to read:
6 **46.996 Adolescent services.** (intro.) From the appropriation account under
7 s. 20.435 (3) (eg), the department shall ~~allocate funds in~~ distribute \$62,500 and from
8 the appropriation account under s. 20.435 (3) (ky), the department shall distribute
9 \$287,500, for the following amounts:

10 ***-0277/4.9* SECTION 1117.** 46.997 of the statutes, as affected by 1999
11 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 46.997. This SECTION has been affected by drafts with
the following LRB numbers: LRB-0277/3 and LRB-1548/4.

12 ***-1548/5.5* SECTION 1118.** 46.997 (2) (intro.) of the statutes is amended to
13 read:

14 46.997 (2) (intro.) From the appropriation account under s. 20.435 (3) (eg), the
15 department shall ~~allocate not more than \$210,000~~ distribute \$52,500 and from the
16 appropriation account under s. 20.435 (3) (ky), the department shall distribute
17 \$157,500 in each fiscal year to make grants to applying organizations for the
18 provision, on a regional or tribal project basis, of information to communities in order
19 to increase community knowledge about problems of adolescents and information to
20 and activities for adolescents, particularly female adolescents, in order to enable the
21 adolescents to develop skills with respect to all of the following:

22 ***-0085/4.1* SECTION 1119.** 48.02 (6) of the statutes is amended to read:

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

7 ***-2105/1.5* SECTION 1120.** 48.02 (17) of the statutes is amended to read:

8 48.02 (17) “Shelter care facility” means a nonsecure place of temporary care
9 and physical custody for children, including a holdover room, licensed by the
10 department under s. 48.66 (1) (a).

11 ***-2105/1.6* SECTION 1121.** 48.48 (9) of the statutes is amended to read:

12 48.48 (9) To license foster homes or treatment foster homes as provided in s.
13 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
14 requested to do so, for the use of county departments.

15 ***-2105/1.7* SECTION 1122.** 48.48 (9m) of the statutes is amended to read:

16 48.48 (9m) To license shelter care facilities as provided in s. 48.66 (1) (a).

17 ***-2105/1.8* SECTION 1123.** 48.48 (10) of the statutes is amended to read:

18 48.48 (10) To license child welfare agencies and day care centers as provided
19 in s. 48.66 (1) (a).

20 ***-0273/1.2* SECTION 1124.** 48.55 (title) of the statutes is amended to read:

21 48.55 (title) **State adoption information exchange and state adoption**
22 **center.**

23 ***-0273/1.3* SECTION 1125.** 48.55 of the statutes is renumbered 48.55 (1) and
24 amended to read:

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

10 *~~0273/1.4~~* SECTION 1126. 48.551 (title) and (1) of the statutes are repealed.

11 *~~0273/1.5~~* SECTION 1127. 48.551 (2) (intro.) of the statutes is renumbered
12 48.55 (2) (intro.) and amended to read:

13 48.55 (2) (intro.) The department shall promulgate rules governing the
14 adoption information exchange and rules specifying the functions of the state
15 adoption center, ~~which.~~ The rules specifying the functions of the state adoption
16 center shall include all of the following:

17 *~~0273/1.6~~* SECTION 1128. 48.551 (2) (a), (b), (c), (d) and (e) of the statutes are
18 renumbered 48.55 (2) (a), (b), (c), (d) and (e).

19 *~~1463/2.1~~* SECTION 1129. 48.561 (3) (b) of the statutes is amended to read:

20 48.561 (3) (b) The department of administration ~~and a county having a~~
21 ~~population of 500,000 or more shall consult to determine the method by which the~~
22 ~~state will shall~~ collect the amount specified in par. (a). ~~If the department of~~
23 ~~administration and from~~ a county having a population of 500,000 or more ~~reach an~~
24 ~~agreement as to that method and if that agreement calls for by~~ deducting all or part
25 of that amount from any state payment due that county under s. 46.40, 79.03, 79.04,

1 79.058, 79.06 or 79.08 or for adding a special charge to the amount of taxes
2 apportioned to and levied on that county under s. 70.60, the. The department of
3 administration shall notify the department of revenue, by September 15 of each year,
4 of the amount to be deducted from those the state payments due or to be added as
5 that special charge. If the department of administration and a county having a
6 population of 500,000 or more do not reach an agreement as to that method by
7 September 15 of each year, the department of administration shall determine that
8 method without the agreement of that county under s. 79.03, 79.04, 79.058, 79.06 or
9 79.08. The department of administration shall credit all amounts collected under
10 this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify
11 the county from which those amounts are collected of that collection.

12 *~~1462/2.1~~* SECTION 1130. 48.57 (3m) (am) (intro.) of the statutes is amended
13 to read:

14 48.57 (3m) (am) (intro.) From the appropriations under s. 20.435 (3) (cz) and
15 (kc), the department shall reimburse counties having populations of less than
16 500,000 for payments made under this subsection and shall make payments under
17 this subsection in a county having a population of 500,000 or more. ~~A Subject to par.~~
18 (ap), a county department and, in a county having a population of 500,000 or more,
19 the department ~~shall~~ may make payments in the amount of \$215 per month to a
20 kinship care relative who is providing care and maintenance for a child if all of the
21 following conditions are met:

22 *~~1462/2.2~~* SECTION 1131. 48.57 (3m) (ap) of the statutes is created to read:

23 48.57 (3m) (ap) Notwithstanding fulfillment of the conditions of eligibility
24 specified in par. (am) 1. to 6., a kinship care relative who is providing care and
25 maintenance for a child is not entitled to receive payments under par. (am).

1 ***-1462/2.3* SECTION 1132.** 48.57 (3n) (am) (intro.) of the statutes is amended
2 to read:

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

12 ***-1462/2.4* SECTION 1133.** 48.57 (3n) (ap) of the statutes is created to read:

13 48.57 (3n) (ap) Notwithstanding fulfillment of the conditions of eligibility
14 specified in par. (am) 1. to 5r., a long-term kinship care relative who is providing care
15 and maintenance for a child is not entitled to receive payments under par. (am).

16 ***-1462/2.5* SECTION 1134.** 48.57 (3n) (ar) (intro.) of the statutes is amended
17 to read:

18 48.57 (3n) (ar) (intro.) Subject to par. (ap) and sub. (3p) (fm) 1m. and (hm), a
19 county department or, in a county having a population of 500,000 or more, the
20 department ~~shall~~ may enter into an agreement under par. (am) 6. if all of the
21 following conditions are met:

22 ***-0183/2.7* SECTION 1135.** 48.60 (2) (d) of the statutes is amended to read:

23 48.60 (2) (d) A hospital, maternity hospital, maternity home, or nursing home
24 ~~or tuberculosis sanatorium~~ licensed, approved or supervised by the department;

25 ***-1732/1.3* SECTION 1136.** 48.60 (2) (h) of the statutes is repealed.

1 *~~-0085/4.2~~* SECTION 1137. 48.62 (1) (a) of the statutes is amended to read:

2 48.62 (1) (a) Any person who receives, with or without transfer of legal custody,
3 4 or fewer children or ~~more than 4 children if all of the children are siblings, if~~
4 necessary to enable a sibling group to remain together, 6 or fewer children or, if the
5 department promulgates rules permitting a different number of children, the
6 number of children permitted under those rules, to provide care and maintenance for
7 those children shall obtain a license to operate a foster home from the department,
8 a county department or a licensed child welfare agency as provided in s. 48.75.

9 *~~-0492/7.1~~* SECTION 1138. 48.651 (1) of the statutes is renumbered 48.651
10 (1m), and 48.651 (1m) (intro.) and (a), as renumbered, are amended to read:

11 48.651 (1m) (intro.) Each ~~county department~~ certifying agency shall certify,
12 according to the standards adopted by the department of workforce development
13 under s. 49.155 (1d), each day care provider reimbursed for child care services
14 provided to families determined eligible under s. 49.155 (1m), unless the provider is
15 a day care center licensed under s. 48.65 or is established or contracted for under s.
16 120.13 (14). Each ~~county~~ certifying agency may charge a fee to cover the costs of
17 certification. To be certified under this section, a person must meet the minimum
18 requirements for certification established by the department of workforce
19 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and
20 pay the fee specified in this section. The ~~county~~ certifying agency shall certify the
21 following categories of day care providers:

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

1 *~~0492/7.2~~* **SECTION 1139.** 48.651 (1g) of the statutes is created to read:

2 48.651 (1g) In this section, “certifying agency” means a county department, a
3 tribal governing body or a Wisconsin works agency, as defined in s. 49.001 (9),
4 whichever the department of workforce development requires under s. 49.155 (3) (a)
5 to administer the child care subsidy program under s. 49.155.

6 *~~0492/7.3~~* **SECTION 1140.** 48.651 (2m) of the statutes is amended to read:

7 48.651 (2m) Each ~~county department~~ certifying agency shall provide the
8 department with information about each person who is denied certification for a
9 reason specified in s. 48.685 (2) (a) 1. to 5.

10 *~~0492/7.4~~* **SECTION 1141.** 48.653 of the statutes is amended to read:

11 **48.653 Information for day care providers.** The department shall provide
12 each day care center licensed under s. 48.65 and each ~~county~~ certifying agency, as
13 defined in s. 48.651 (1g), providing child welfare services with a brochure containing
14 information on basic child care and the licensing and certification requirements for
15 day care providers. Each ~~county agency~~ certifying agency shall provide each day care
16 provider that it certifies with a copy of the brochure.

17 *~~2105/1.9~~* **SECTION 1142.** 48.66 (1) of the statutes is renumbered 48.66 (1) (a)
18 and amended to read:

19 48.66 (1) (a) Except as provided ~~under~~ in s. 48.715 (6) and (7), the department
20 shall license and supervise child welfare agencies, as required by s. 48.60, group
21 homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and
22 day care centers, as required by s. 48.65. The department may license foster homes
23 or treatment foster homes, as provided by s. 48.62, and may license and supervise
24 county departments in accordance with the procedures specified in this section and
25 in ss. 48.67 to 48.74.

1 (b) Except as provided ~~under~~ in s. 48.715 (6), the department of corrections may
2 license a child welfare agency to operate a secured child caring institution, as defined
3 in s. 938.02 (15g), for holding in secure custody juveniles who have been convicted
4 under s. 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4d), (4h) or
5 (4m) and referred to the child welfare agency by the court or the department of
6 corrections and to provide supervision, care and maintenance for those juveniles.
7 The department of corrections may also license not more than one county
8 department, as defined in s. 938.02 (2g), to operate a group home that has been
9 licensed under par. (a) as a secured group home, as defined in s. 938.02 (15p), for
10 holding in secure custody juveniles who have been convicted under s. 938.183 or
11 adjudicated delinquent under s. 938.183 or 938.34 (4h) or (4m) and referred to the
12 department of corrections by the court and to provide supervision, care and
13 maintenance for those juveniles.

14 (c) A license issued under ~~this subsection~~ par. (a) or (b), other than a license to
15 operate a foster home, treatment foster home ~~or~~, secured child caring institution or
16 secured group home, is valid until revoked or suspended. A license issued under this
17 subsection to operate a foster home, treatment foster home ~~or~~, secured child caring
18 institution or secured group home may be for any term not to exceed 2 years from the
19 date of issuance. No license issued under ~~this subsection~~ par. (a) or (b) is
20 transferable.

21 ***-2105/1.10*** **SECTION 1143.** 48.66 (2m) (a) of the statutes is amended to read:
22 48.66 (2m) (a) The department of health and family services shall require each
23 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
24 home, shelter care facility or day care center who is an individual to provide that
25 department with the applicant's social security number, and shall require each

1 applicant for a license under sub. (1) (a) to operate a child welfare agency, group
2 home, shelter care facility or day care center who is not an individual to provide that
3 department with the applicant's federal employer identification number, when
4 initially applying for or applying to continue the license.

5 ***-2105/1.11* SECTION 1144.** 48.66 (2m) (am) of the statutes is amended to read:

6 48.66 (2m) (am) The department of corrections shall require each applicant for
7 a license under sub. (1) (b) to operate a secured child caring institution who is an
8 individual to provide that department with the applicant's social security number
9 when initially applying for or applying to renew the license.

10 ***-2105/1.12* SECTION 1145.** 48.66 (2m) (b) of the statutes is amended to read:

11 48.66 (2m) (b) The department of health and family services may not issue or
12 continue a license under sub. (1) (a) to operate a child welfare agency, group home,
13 shelter care facility or day care center to or for an applicant who is an individual
14 unless the applicant has provided the applicant's social security number to that
15 department and may not issue or continue a license under sub. (1) (a) to operate a
16 child welfare agency, group home, shelter care facility or day care center to or for an
17 applicant who is not an individual unless the applicant has provided the applicant's
18 federal employer identification number to that department.

19 ***-2105/1.13* SECTION 1146.** 48.66 (2m) (bm) of the statutes is amended to read:

20 48.66 (2m) (bm) The department of corrections may not issue or renew a license
21 under sub. (1) (b) to operate a secured child caring institution to or for an applicant
22 who is an individual unless the applicant has provided the applicant's social security
23 number to that department.

24 ***-2105/1.14* SECTION 1147.** 48.68 (1) of the statutes is amended to read:

1 48.68 (1) After receipt of an application for a license, the department shall
2 investigate to determine if the applicant meets the minimum requirements for a
3 license adopted by the department under s. 48.67 and meets the requirements
4 specified in s. 48.685, if applicable. In determining whether to issue or continue a
5 license, the department may consider any action by the applicant, or by an employe
6 of the applicant, that constitutes a substantial failure by the applicant or employe
7 to protect and promote the health, safety and welfare of a child. Upon satisfactory
8 completion of this investigation and payment of the fee required under s. 48.615 (1)
9 (a) or (b), 48.625 (2) (a), 48.65 (3) (a) or 938.22 (7) (b), the department shall issue a
10 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
11 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
12 licensure and license renewal, the department shall provide a foster home licensee
13 with written information relating to the age-related monthly foster care rates and
14 supplemental payments specified in s. 48.62 (4), including payment amounts,
15 eligibility requirements for supplemental payments and the procedures for applying
16 for supplemental payments.

17 *~~0492/7.5~~* SECTION 1148. 48.685 (1) (a) of the statutes is renumbered 48.685
18 (1) (at).

19 *~~0492/7.6~~* SECTION 1149. 48.685 (1) (am) of the statutes is created to read:
20 48.685 (1) (am) "Certifying agency" has the meaning given in s. 48.651 (1g).

21 *~~1059/3.1~~* SECTION 1150. 48.685 (2) (a) (intro.) of the statutes is amended to
22 read:

23 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
24 par. (ad) and sub. (5), if the department, a county department, a child welfare agency,
25 a certifying agency or a school board knows or should know any of the following, the

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

****NOTE: This is reconciled s. 46.685 (2) (a) (intro.) This SECTION has been affected
by drafts with the following LRB numbers: LRB-0492/6 and LRB-1059/2.

8 ***-0492/7.7* SECTION 1151.** 48.685 (2) (ad) of the statutes is amended to read:
9 48.685 (2) (ad) The department, a county department or a child welfare agency
10 may license a foster home or treatment foster home under s. 48.62, a ~~county~~
11 ~~department certifying agency~~ may certify a day care provider under s. 48.651 and a
12 school board may contract with a person under s. 120.13 (14), conditioned on the
13 receipt of the information specified in par. (am) indicating that the person is not
14 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

15 ***-1059/3.2* SECTION 1152.** 48.685 (2) (ag) (intro.) of the statutes is amended
16 to read:

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

1 to have access to a client, ~~if the entity knows or should have known any of the~~
2 following:

3 ***-1059/3.3* SECTION 1153.** 48.685 (2) (ag) (intro.) of the statutes, as affected
4 by 1997 Act 27, section 1664f, and 1999 Wisconsin Act (this act), is repealed and
5 recreated to read:

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

14 ***-1059/3.4* SECTION 1154.** 48.685 (2) (am) (intro.) of the statutes is amended
15 to read:

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

1 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
2 48.651:

****NOTE: This is reconciled s. 46.685 (2) (am) (intro.) This SECTION has been affected by drafts with the following LRB numbers: LRB-0492/6 and LRB-1059/2.

3 ***-0492/7.8* SECTION 1155.** 48.685 (2) (am) 5. of the statutes is amended to
4 read:

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

16 ***-1059/3.5* SECTION 1156.** 48.685 (2) (b) 1. (intro.) of the statutes is amended
17 to read:

18 48.685 (2) (b) 1. (intro.) Subject to subds. 1. e. ~~and 2.,~~ and 4. and par. (bd), every
19 entity shall obtain all of the following with respect to a person specified under par.
20 (ag) (intro.) who is an employe, prospective employe, contractor or prospective
21 contractor of the entity:

22 ***-1059/3.6* SECTION 1157.** 48.685 (2) (b) 2. of the statutes is repealed.

23 ***-0492/7.9* SECTION 1158.** 48.685 (2) (b) 4. of the statutes is amended to read:

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

9 ***-0492/7.10*** **SECTION 1159.** 48.685 (2) (bd) of the statutes is amended to read:
10 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
11 department, a child welfare agency, a certifying agency or a school board is not
12 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
13 required to obtain the information specified in par. (b) 1. a. to e., with respect to a
14 person under 18 years of age whose background information form under sub. (6) (am)
15 indicates that the person is not ineligible to be employed, contracted with or
16 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with
17 respect to whom the department, county department, child welfare agency, certifying
18 agency, school board or entity otherwise has no reason to believe that the person is
19 ineligible to be employed, contracted with or permitted to reside at an entity for any
20 of those reasons. This paragraph does not preclude the department, a county
21 department, a child welfare agency, a certifying agency or a school board from
22 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect
23 to a person described in this paragraph who is a nonclient resident or a prospective
24 nonclient resident of an entity.

25 ***-0492/7.11*** **SECTION 1160.** 48.685 (2) (bm) of the statutes is amended to read:

1 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
2 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
3 the date of the search that person has not been a resident of this state, the
4 department, county department, child welfare agency, certifying agency, school
5 board or entity shall make a good faith effort to obtain from any state in which the
6 person is a resident or was a resident within the 3 years preceding the date of the
7 search information that is equivalent to the information specified in par. (am) 1. or
8 (b) 1. a.

9 ***-1059/3.7*** SECTION 1161. 48.685 (3) (a) of the statutes is amended to read:

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

****NOTE: This is reconciled s. 46.685 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0492/6 and LRB-1059/2.

22 ***-0492/7.12*** SECTION 1162. 48.685 (3m) of the statutes is amended to read:

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

7 *~~-0492/7.13~~* **SECTION 1163.** 48.685 (5) (a) of the statutes is amended to read:

8 48.685 **(5)** (a) The department may license to operate an entity, a ~~county~~
9 ~~department~~ certifying agency may certify under s. 48.651, a county department or
10 a child welfare agency may license under s. 48.62 and a school board may contract
11 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
12 contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ,
13 contract with or permit to reside at the entity a person who otherwise may not be
14 employed, contracted with or permitted to reside at the entity for a reason specified
15 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county
16 department, the child welfare agency or the school board by clear and convincing
17 evidence and in accordance with procedures established by the department by rule
18 that he or she has been rehabilitated.

19 *~~-0492/7.14~~* **SECTION 1164.** 48.685 (5c) (bm) of the statutes is created to read:

20 48.685 **(5c)** (bm) Any person who is permitted but fails under sub. (5) (a) to
21 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she
22 has been rehabilitated may appeal to the secretary of workforce development or his
23 or her designee. Any person who is adversely affected by a decision of the secretary
24 or his or her designee under this paragraph has a right to a contested case hearing
25 under ch. 227.