

1           **SECTION 1790.** 49.45 (40) of the statutes is amended to read:

2           49.45 (40) PERIODIC RECORD MATCHES. ~~The~~ If the department contracts with the  
3 department of workforce development under s. 49.197 (5), the department shall  
4 cooperate with the department of workforce development in matching records of  
5 medical assistance recipients under s. 49.32 (7).

6           **SECTION 1791.** 49.45 (46) (b) of the statutes is amended to read:

7           49.45 (46) (b) This subsection does not apply after ~~July 1~~ June 30, 2003.

8           **SECTION 1791h.** 49.45 (47) (c) of the statutes is amended to read:

9           49.45 (47) (c) The biennial fee for the certification required under par. (b) of an  
10 adult day care center is ~~\$89, plus a biennial fee of \$17.80 per client, based on the~~  
11 ~~number of clients that the adult day care center is certified to serve~~ \$100. Fees  
12 collected under this paragraph shall be credited to the appropriation account under  
13 s. 20.435 (6) (jm).

14           **SECTION 1791i.** 49.45 (47) (d) of the statutes is repealed.

15           **SECTION 1792.** 49.45 (48) of the statutes is created to read:

16           49.45 (48) PAYMENT OF MEDICARE PART B OUTPATIENT HOSPITAL SERVICES  
17 COINSURANCES. The department shall include in the state plan for medical assistance  
18 a methodology for payment of the medicare part B outpatient hospital services  
19 coinsurance amounts that are authorized under ss. 49.46 (2) (c) 2., 4., and 5m., 49.468  
20 (1) (b), and 49.47 (6) (a) 6. b., d., and f.

21           **SECTION 1797.** 49.46 (1) (a) 1. of the statutes is amended to read:

22           49.46 (1) (a) 1. ~~Any person included in the~~ Notwithstanding s. 49.19 (20), any  
23 individual who, without regard to the individual's resources, would qualify for a  
24 grant of aid to families with dependent children and any person who does under s.  
25 49.19.

1           1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the  
2           individual's resources, would qualify for a grant of aid to families with dependent  
3           children but who would not receive such the aid solely because of the application of  
4           s. 49.19 (11) (a) 7.

5           **SECTION 1797g.** 49.46 (1) (a) 1. of the statutes, as affected by 2001 Wisconsin  
6           Act .... (this act), is amended to read:

7           49.46 (1) (a) 1. Notwithstanding s. 49.19 (20), any individual who, without  
8           regard to the individual's resources or income, would qualify for a grant of aid to  
9           families with dependent children under s. 49.19 and whose income does not exceed  
10          the income limit under par. (ar).

11          **SECTION 1797j.** 49.46 (1) (a) 1g. of the statutes, as created by 2001 Wisconsin  
12          Act .... (this act), is amended to read:

13          49.46 (1) (a) 1g. Notwithstanding s. 49.19 (20), any individual who, without  
14          regard to the individual's resources or income, would qualify for a grant of aid to  
15          families with dependent children but ~~who~~ would not receive the aid solely because  
16          of the application of s. 49.19 (11) (a) 7. and whose income does not exceed the income  
17          limit under par. (ar).

18          **SECTION 1798.** 49.46 (1) (a) 1m. of the statutes is amended to read:

19          49.46 (1) (a) 1m. Any pregnant woman ~~who meets the resource and whose~~  
20          income limits does not exceed the standard of need under s. 49.19 (4) ~~(bm) and (es)~~  
21          ~~(11)~~ and whose pregnancy is medically verified. Eligibility continues to the last day  
22          of the month in which the 60th day after the last day of the pregnancy falls.

23          **SECTION 1798g.** 49.46 (1) (a) 1m. of the statutes, as affected by 2001 Wisconsin  
24          Act .... (this act), is amended to read:

1           49.46 (1) (a) 1m. Any pregnant woman whose income does not exceed the  
2 ~~standard of need under s. 49.19 (11) income limit under par. (ar)~~ and whose  
3 pregnancy is medically verified. Eligibility continues to the last day of the month in  
4 which the 60th day after the last day of the pregnancy falls.

5           **SECTION 1799f.** 49.46 (1) (a) 5m. of the statutes is created to read:

6           49.46 (1) (a) 5m. Any individual who is at least 19 years of age but under 20  
7 years of age and who, on his or her 18th birthday, was in foster care, or treatment  
8 foster care placement under ch. 48 or 938, as determined by the department.

9           **SECTION 1800.** 49.46 (1) (a) 6. of the statutes is amended to read:

10           49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard  
11 to the individual's resources, would be considered, under federal law, to be receiving  
12 aid to families with dependent children for the purpose of determining eligibility for  
13 medical assistance.

14           **SECTION 1800m.** 49.46 (1) (a) 6. of the statutes, as affected by 2001 Wisconsin  
15 Act .... (this act), is amended to read:

16           49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who, without regard  
17 to the individual's resources or income, would be considered, under federal law, to be  
18 receiving aid to families with dependent children for the purpose of determining  
19 eligibility for medical assistance and whose income does not exceed the income limit  
20 under par. (ar).

21           **SECTION 1801.** 49.46 (1) (a) 9. of the statutes is amended to read:

22           49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m.  
23 whose family income does not exceed 133% of the poverty line for a family the size  
24 of the woman's family.

25           **SECTION 1802.** 49.46 (1) (a) 10. of the statutes is amended to read:

1           49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6  
2 years of age and whose family income does not exceed 133% of the poverty line for  
3 a family the size of the child's family.

4           **SECTION 1803.** 49.46 (1) (a) 11. of the statutes is amended to read:

5           49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child  
6 not described under subd. 1. or 1g. who has attained the age of 6 but has not attained  
7 the age of 19 and whose family income does not exceed 100% of the poverty line for  
8 a family the size of the child's family. If a waiver under s. 49.665 is not granted or  
9 in effect, any child not described in subd. 1. or 1g. who was born after September  
10 30,1983, who has attained the age of 6 but has not attained the age of 19 and whose  
11 family income does not exceed 100% of the poverty line for a family the size of the  
12 child's family.

13           **SECTION 1804.** 49.46 (1) (a) 12. of the statutes is amended to read:

14           49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
15 years of age and ~~who meets the resource and whose income limits does not exceed the~~  
16 standard of need under s. 49.19 (4) (11).

17           **SECTION 1804g.** 49.46 (1) (a) 12. of the statutes, as affected by 2001 Wisconsin  
18 Act .... (this act), is amended to read:

19           49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19  
20 years of age and whose income does not exceed the ~~standard of need under s. 49.19~~  
21 ~~(11)~~ income limit under par. (ar).

22           **SECTION 1804m.** 49.46 (1) (ar) of the statutes is created to read:

23           49.46 (1) (ar) An individual is eligible to receive medical assistance under par.  
24 (a) 1., 1g., 1m., 6., and 12. if the individual's total income does not exceed the standard  
25 of need under s. 49.19 (11) (a) 1. a. increased by the same percentage as the

1 percentage increase in the consumer price index, as defined in s. 49.455 (1) (b),  
2 between September 2001 and September of the year immediately before the year in  
3 which the individual's income is being determined.

4 **SECTION 1805.** 49.46 (1) (e) of the statutes is amended to read:

5 49.46 (1) (e) If an application under s. 49.47 (3) shows that the ~~person has~~  
6 individual meets the income and resources within the limitations of limits under s.  
7 49.19, or meets the income and resource requirements under federal Title XVI or s.  
8 49.77, or that the ~~person~~ individual is an essential person, an accommodated person,  
9 or a patient in a public medical institution, the ~~person~~ individual shall be granted  
10 the benefits enumerated under sub. (2) whether or not the ~~person~~ individual requests  
11 or receives a grant of any of such aids.

12 **SECTION 1805d.** 49.46 (1) (e) of the statutes, as affected by 2001 Wisconsin Act  
13 ... (this act), is amended to read:

14 49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets  
15 the income limits under s. ~~49.19~~ par. (ar) or meets the income and resource  
16 requirements under federal Title XVI or s. 49.77, or that the individual is an essential  
17 person, an accommodated person, or a patient in a public medical institution, the  
18 individual shall be granted the benefits enumerated under sub. (2) whether or not  
19 the individual requests or receives a grant of any of such aids.

20 **SECTION 1806.** 49.46 (2) (b) 18. of the statutes is amended to read:

21 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of  
22 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision  
23 does not apply after ~~July 1~~ June 30, 2003.

24 **SECTION 1807.** 49.46 (2) (c) 2. of the statutes is amended to read:

1           49.46 (2) (c) 2. For an individual who is entitled to coverage under part A of  
2    medicare, entitled to coverage under part B of medicare, meets the eligibility criteria  
3    under sub. (1) and meets the limitation on income under subd. 6., medical assistance  
4    shall include payment of the deductible and coinsurance portions of medicare  
5    services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to  
6    1395zz, including those medicare services that are not included in the approved state  
7    plan for services under 42 USC 1396; the monthly premiums payable under 42 USC  
8    1395v; the monthly premiums, if applicable, under 42 USC 1395i–2 (d); and the late  
9    enrollment penalty, if applicable, for premiums under part A of medicare. Payment  
10   of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,  
11   other than payment of coinsurance for outpatient hospital services, may not exceed  
12   the allowable charge for the service under medical assistance minus the medicare  
13   payment.

14           **SECTION 1808.** 49.46 (2) (c) 4. of the statutes is amended to read:

15           49.46 (2) (c) 4. For an individual who is entitled to coverage under part A of  
16    medicare, entitled to coverage under part B of medicare and meets the eligibility  
17    criteria for medical assistance under sub. (1), but does not meet the limitation on  
18    income under subd. 6., medical assistance shall include payment of the deductible  
19    and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which  
20    are not paid under 42 USC 1395 to 1395zz, including those medicare services that  
21    are not included in the approved state plan for services under 42 USC 1396. Payment  
22    of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,  
23    other than payment of coinsurance for outpatient hospital services, may not exceed  
24    the allowable charge for the service under medical assistance minus the medicare  
25    payment.

1           **SECTION 1809.** 49.46 (2) (c) 5m. of the statutes is amended to read:

2           49.46 (2) (c) 5m. For an individual who is only entitled to coverage under part  
3 B of medicare and meets the eligibility criteria under sub. (1), but does not meet the  
4 limitation on income under subd. 6., medical assistance shall include payment of the  
5 deductible and coinsurance portions of medicare services under 42 USC 1395j to  
6 1395w, including those medicare services that are not included in the approved state  
7 plan for services under 42 USC 1396. Payment of coinsurance for a service under  
8 part B of medicare, other than payment of coinsurance for outpatient hospital  
9 services, may not exceed the allowable charge for the service under medical  
10 assistance minus the medicare payment.

11           **SECTION 1810.** 49.468 (1) (b) of the statutes is amended to read:

12           49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage  
13 under part A of medicare, entitled to coverage under part B of medicare and who does  
14 not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 or  
15 49.47 (4) but meets the limitations on income and resources under par. (d), medical  
16 assistance shall pay the deductible and coinsurance portions of medicare services  
17 under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz,  
18 including those medicare services that are not included in the approved state plan  
19 for services under 42 USC 1396; the monthly premiums payable under 42 USC  
20 1395v; the monthly premiums, if applicable, under 42 USC 1395i–2 (d); and the late  
21 enrollment penalty, if applicable, for premiums under part A of medicare. Payment  
22 of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,  
23 other than payment of coinsurance for outpatient hospital services, may not exceed  
24 the allowable charge for the service under medical assistance minus the medicare  
25 payment.

1           **SECTION 1811.** 49.47 (4) (a) 1. of the statutes is amended to read:

2           49.47 (4) (a) 1. Under ~~18~~ 21 years of age ~~or, if the person and resides in an~~  
3 intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital,  
4 ~~under 21 years of age.~~

5           **SECTION 1812.** 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

6           **SECTION 1813.** 49.47 (4) (ag) (intro.) of the statutes is created to read:

7           49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits  
8 under par. (c) and who complies with par. (cm) is eligible for medical assistance under  
9 this section if the individual is one of the following:

10          **SECTION 1814.** 49.47 (4) (ag) 1. of the statutes is created to read:

11          49.47 (4) (ag) 1. Under the age of 18.

12          **SECTION 1815.** 49.47 (4) (b) 2m. a. of the statutes is amended to read:

13          49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one  
14 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from  
15 consideration as an asset only if the department determines that it is necessary for  
16 the purpose of employment or to obtain medical care. The equity value of any  
17 nonexempt vehicles owned by the applicant is an asset for the purposes of  
18 determining eligibility for medical assistance under this section.

19          **SECTION 1815g.** 49.47 (4) (c) 1. of the statutes is renumbered 49.47 (4) (c) 1.  
20 (intro.) and amended to read:

21          49.47 (4) (c) 1. (intro.) Except as provided in par. (am) and as limited by subd.  
22 3., eligibility exists if income does not exceed ~~133-1/3%~~ of the greater of the following:

23          a. An amount equal to the maximum aid to families with dependent children  
24 payment under s. 49.19 (11) (a) 1. a. for the applicant's family size ~~or~~ increased by the  
25 same percentage as the percentage increase in the consumer price index, as defined



1 in s. 49.455 (1) (b), between September 2001 and September of the year immediately  
2 before the year in which the individual's income is being determined and multiplied  
3 by 133 1/3%.

4 b. An amount equal to the combined benefit amount available under  
5 supplemental security income under 42 USC 1381 to 1383c and state supplemental  
6 aid under s. 49.77 whichever is higher. In this subdivision "income" includes earned  
7 or unearned income that would be included in determining eligibility for the  
8 individual or family under s. 49.19 or 49.77, or for the aged, blind or disabled under  
9 42 USC 1381 to 1385. "Income" does not include earned or unearned income which  
10 would be excluded in determining eligibility for the individual or family under s.  
11 49.19 or 49.77, or for the aged, blind or disabled individual under 42 USC 1381 to  
12 1385.

13 **SECTION 1815j.** 49.47 (4) (c) 1m. of the statutes is created to read:

14 49.47 (4) (c) 1m. For purposes of determining whether an individual's income  
15 meets the income requirements under subd. 1., "income" includes all of the  
16 individual's earned or unearned income that would be included in determining  
17 eligibility for the individual or family under s. 49.19 or 49.77, or for the aged, blind,  
18 or disabled under 42 USC 1381 to 1385, and "income" does not include earned or  
19 unearned income that would be excluded in determining eligibility for the individual  
20 or family under s. 49.19 or 49.77, or for the aged, blind, or disabled individual under  
21 42 USC 1381 to 1385.

22 **SECTION 1816.** 49.47 (6) (a) 6. b. of the statutes is amended to read:

23 49.47 (6) (a) 6. b. An individual who is entitled to coverage under part A of  
24 medicare, entitled to coverage under part B of medicare, meets the eligibility criteria  
25 under sub. (4) (a) and meets the income limitation, the deductible and coinsurance

1 portions of medicare services under 42 USC 1395 to 1395zz which are not paid under  
2 42 USC 1395 to 1395zz, including those medicare services that are not included in  
3 the approved state plan for services under 42 USC 1396; the monthly premiums  
4 payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC  
5 1395i–2 (d); and the late enrollment penalty, if applicable, for premiums under part  
6 A of medicare. Payment of coinsurance for a service under part B of medicare under  
7 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital  
8 services, may not exceed the allowable charge for the service under medical  
9 assistance minus the medicare payment.

10 **SECTION 1817.** 49.47 (6) (a) 6. d. of the statutes is amended to read:

11 49.47 (6) (a) 6. d. An individual who is entitled to coverage under part A of  
12 medicare, entitled to coverage under part B of medicare and meets the eligibility  
13 criteria for medical assistance under sub. (4) (a) but does not meet the income  
14 limitation, the deductible and coinsurance portions of medicare services under 42  
15 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those  
16 medicare services that are not included in the approved state plan for services under  
17 42 USC 1396. Payment of coinsurance for a service under part B of medicare under  
18 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital  
19 services, may not exceed the allowable charge for the service under medical  
20 assistance minus the medicare payment.

21 **SECTION 1818.** 49.47 (6) (a) 6. f. of the statutes is amended to read:

22 49.47 (6) (a) 6. f. For an individual who is only entitled to coverage under part  
23 B of medicare and meets the eligibility criteria under sub. (4), but does not meet the  
24 income limitation, medical assistance shall include payment of the deductible and  
25 coinsurance portions of medicare services under 42 USC 1395j to 1395w, including

1 those medicare services that are not included in the approved state plan for services  
2 under 42 USC 1396. Payment of coinsurance for a service under part B of medicare,  
3 other than payment of coinsurance for outpatient hospital services, may not exceed  
4 the allowable charge for the service under medical assistance minus the medicare  
5 payment.

6 **SECTION 1819.** 49.47 (6) (a) 7. of the statutes is amended to read:

7 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for  
8 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including  
9 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or  
10 related to other conditions which may complicate pregnancy.

11 **SECTION 1820.** 49.472 (6) (a) of the statutes is amended to read:

12 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation under s.  
13 20.435 (4) (b) or (w), the department shall, on the part of an individual who is eligible  
14 for medical assistance under sub. (3), pay premiums for or purchase individual  
15 coverage offered by the individual's employer if the department determines that  
16 paying the premiums for or purchasing the coverage will not be more costly than  
17 providing medical assistance.

18 **SECTION 1821.** 49.472 (6) (b) of the statutes is amended to read:

19 49.472 (6) (b) If federal financial participation is available, from the  
20 appropriation under s. 20.435 (4) (b) or (w), the department may pay medicare Part  
21 A and Part B premiums for individuals who are eligible for medicare and for medical  
22 assistance under sub. (3).

23 **SECTION 1822.** 49.473 of the statutes is created to read:

24 **49.473 Medical assistance; women diagnosed with breast or cervical**  
25 **cancer. (1)** In this section:

1 (a) “County department” means a county department under s. 46.215, 46.22,  
2 or 46.23.

3 (b) “Qualified entity” has the meaning given in 42 USC 1396r–1b (b) (2).

4 (2) A woman is eligible for medical assistance as provided under sub. (5) if, after  
5 applying to the department or a county department, the department or a county  
6 department determines that she meets all of the following requirements:

7 (a) The woman is not eligible for medical assistance under ss. 49.46 (1) and  
8 (1m), 49.465, 49.468, 49.47, and 49.472, and is not eligible for health care coverage  
9 under s. 49.665.

10 (b) The woman is under 65 years of age.

11 (c) The woman is not eligible for health care coverage that qualifies as  
12 creditable coverage in 42 USC 300gg (c).

13 (d) The woman has been screened for breast or cervical cancer under a breast  
14 and cervical cancer early detection program that is authorized under a grant  
15 received under 42 USC 300k.

16 (e) The woman requires treatment for breast or cervical cancer.

17 (3) Prior to applying to the department or a county department for medical  
18 assistance, a woman is eligible for medical assistance as provided under sub. (5)  
19 beginning on the date on which a qualified entity determines, on the basis of  
20 preliminary information, that the woman meets the requirements specified in sub.  
21 (2) and ending on one of the following dates:

22 (a) If the woman applies to the department or a county department for medical  
23 assistance within the time limit required under sub. (4), the day on which the  
24 department or county department determines whether the woman meets the  
25 requirements under sub. (2).

1 (b) If the woman does not apply to the department or county department for  
2 medical assistance within the time limit required under sub. (4), the last day of the  
3 month following the month in which the qualified entity determines that the woman  
4 is eligible for medical assistance.

5 (4) A woman who a qualified entity determines under sub. (3) is eligible for  
6 medical assistance shall apply to the department or county department no later than  
7 the last day of the month following the month in which the qualified entity  
8 determines that the woman is eligible for medical assistance.

9 (5) The department shall audit and pay, from the appropriation accounts under  
10 s. 20.435 (4) (b) and (c), allowable charges to a provider who is certified under s. 49.45  
11 (2) (a) 11. for medical assistance on behalf of a woman who meets the requirements  
12 under sub. (2) for all benefits and services specified under s. 49.46 (2).

13 (6) A qualified entity that determines under sub. (3) that a woman is eligible  
14 for medical assistance as provided under sub. (5) shall do all of the following:

15 (a) Notify the department of the determination no later than 5 days after the  
16 date on which the determination is made.

17 (b) Inform the woman at the of time the determination that she is required to  
18 apply to the department or a county department for medical assistance no later than  
19 the last day of the month following the month in which the qualified entity  
20 determines that the woman is eligible for medical assistance.

21 (7) The department shall provide qualified entities with application forms for  
22 medical assistance and information on how to assist women in completing the form.

23 **SECTION 1835k.** Subchapter V (title) of chapter 49 [precedes 49.66] of the  
24 statutes is amended to read:

## 1 SUBCHAPTER V

2 OTHER ~~MEDICALLY RELATED SERVICES~~3 ~~AND SUPPORT AND MEDICAL PROGRAMS~~4 **SECTION 1836.** 49.665 (4) (at) 1. a. of the statutes is amended to read:

5 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall  
6 establish a lower maximum income level for the initial eligibility determination if  
7 funding under s. 20.435 (4) (bc), (jz) ~~and, (p), and (x)~~ is insufficient to accommodate  
8 the projected enrollment levels for the health care program under this section. The  
9 adjustment may not be greater than necessary to ensure sufficient funding.

10 **SECTION 1836g.** 49.665 (4) (at) 1. b. of the statutes is amended to read:

11 49.665 (4) (at) 1. b. The department may not lower the maximum income level  
12 for initial eligibility unless the department first submits to the joint committee on  
13 finance its plans a plan for lowering the maximum income level ~~and the committee~~  
14 ~~approves the plan.~~ If, within 14 days after ~~submitting the plan~~ the date on which the  
15 plan is submitted to the joint committee on finance, the cochairpersons of the  
16 committee do not notify the secretary that the committee has scheduled a meeting  
17 for the purpose of reviewing the plan, the department shall implement the plan is  
18 ~~considered approved by the committee as proposed.~~ If within 14 days after the date  
19 on which the plan is submitted to the committee, the cochairpersons of the committee  
20 notify the secretary that the committee has scheduled a meeting to review the plan,  
21 the department may implement the plan only as approved by the committee.

22 **SECTION 1836r.** 49.665 (4) (at) 1. c. of the statutes is created to read:

23 49.665 (4) (at) 1. c. Notwithstanding s. 20.001 (3) (b), if, after reviewing the plan  
24 submitted under subd. 1. b., the joint committee on finance determines that the  
25 amounts appropriated under s. 20.435 (4) (bc), (jz), (p), and (x) are insufficient to

1 accommodate the projected enrollment levels, the committee may transfer  
2 appropriated moneys from the general purpose revenue appropriation account of any  
3 state agency, as defined in s. 20.001 (1), other than a sum sufficient appropriation  
4 account, to the appropriation account under s. 20.435 (4) (bc) to supplement the  
5 health care program under this section if the committee finds that the transfer will  
6 eliminate unnecessary duplication of functions, result in more efficient and effective  
7 methods for performing programs or more effectively carry out legislative intent, and  
8 that legislative intent will not be changed by the transfer.

9 **SECTION 1837.** 49.665 (4) (at) 2. of the statutes is amended to read:

10 49.665 (4) (at) 2. If, after the department has established a lower maximum  
11 income level under subd. 1., projections indicate that funding under s. 20.435 (4) (bc),  
12 (jz) ~~and~~, (p), and (x) is sufficient to raise the level, the department shall, by state plan  
13 amendment, raise the maximum income level for initial eligibility, but not to exceed  
14 185% of the poverty line.

15 **SECTION 1837p.** 49.68 (3) (b) of the statutes is amended to read:

16 49.68 (3) (b) ~~The~~ From the appropriation accounts under ss. 20.435 (4) (e) and  
17 (je), the state shall pay the cost of medical treatment required as a direct result of  
18 chronic renal disease of certified patients from the date of certification, including the  
19 cost of administering recombinant human erythropoietin to appropriate patients,  
20 whether the treatment is rendered in an approved facility in the state or in a dialysis  
21 or transplantation center which is approved as such by a contiguous state, subject  
22 to the conditions specified under par. (d). Approved facilities may include a hospital  
23 in-center dialysis unit or a nonhospital dialysis center which is closely affiliated with  
24 a home dialysis program supervised by an approved facility. Aid shall also be  
25 provided for all reasonable expenses incurred by a potential living-related donor,

1 including evaluation, hospitalization, surgical costs and postoperative follow-up to  
2 the extent that these costs are not reimbursable under the federal medicare program  
3 or other insurance. In addition, all expenses incurred in the procurement,  
4 transportation and preservation of cadaveric donor kidneys shall be covered to the  
5 extent that these costs are not otherwise reimbursable. All donor-related costs are  
6 chargeable to the recipient and reimbursable under this subsection.

7 **SECTION 1837q.** 49.683 (2) of the statutes is amended to read:

8 49.683 (2) Approved costs for medical care under sub. (1) shall be paid from the  
9 appropriation accounts under s. 20.435 (4) (e) and (je).

10 **SECTION 1837r.** 49.685 (2) of the statutes is amended to read:

11 49.685 (2) ASSISTANCE PROGRAM. ~~The~~ From the appropriation accounts under  
12 s. 20.435 (4) (e) and (je), the department shall establish a program of financial  
13 assistance to persons suffering from hemophilia and other related congenital  
14 bleeding disorders. The program shall assist such persons to purchase the blood  
15 derivatives and supplies necessary for home care. The program shall be  
16 administered through the comprehensive hemophilia treatment centers.

17 **SECTION 1837s.** 49.687 (title) of the statutes is amended to read:

18 **49.687 (title) Disease aids; patient financial and liability requirements;**  
19 **rebate agreements.**

20 **SECTION 1838.** 49.687 (2) of the statutes is amended to read:

21 49.687 (2) The department shall develop and implement a sliding scale of  
22 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.  
23 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to  
24 pay for treatment. To ensure that the needs for treatment of patients with lower  
25 incomes receive priority within the availability of funds under s. 20.435 (4) (e) and



1 (je), the department shall revise the sliding scale for patient liability by January 1,  
2 1994, and shall, every 3 years thereafter by January 1, review and, if necessary,  
3 revise the sliding scale.

4 **SECTION 1838c.** 49.687 (3) of the statutes is created to read:

5 49.687 (3) The department or an entity with which the department contracts  
6 shall provide to a drug manufacturer that sells drugs for prescribed use in this state  
7 documents designed for use by the manufacturer in entering into a rebate agreement  
8 with the department or entity that is modeled on the rebate agreement specified  
9 under 42 USC 1396r–8. The department or entity may enter into a rebate agreement  
10 under this subsection that shall include all of the following as requirements:

11 (a) That, as a condition of coverage for prescription drugs of a manufacturer  
12 under s. 49.68, 49.683, or 49.685, the manufacturer shall make rebate payments for  
13 each prescription drug of the manufacturer that is prescribed for and purchased by  
14 persons who meet eligibility criteria under s. 49.68, 49.683, or 49.685, to the state  
15 treasurer to be credited to the appropriation under s. 20.435 (4) (je), each calendar  
16 quarter or according to a schedule established by the department.

17 (b) That the amount of the rebate payment shall be determined by a method  
18 specified in 42 USC 1396r–8 (c), except that, if the average manufacturer price for  
19 a prescription drug exceeds the average manufacturer price of the drug as of  
20 December 31, 2000, or the first calendar quarter after the day on which the drug was  
21 first available, as adjusted for inflation, the rebate amount shall increase by the  
22 amount of the difference.

23 **SECTION 1838gb.** 49.688 of the statutes is created to read:

24 **49.688 Prescription drug assistance for elderly persons.** (1) In this  
25 section:

1 (a) “Generic name” has the meaning given in s. 450.12 (1) (b).

2 (b) “Poverty line” means the nonfarm federal poverty line for the continental  
3 United States, as defined by the federal department of labor under 42 USC 9902 (2).

4 (c) “Prescription drug” means a prescription drug, as defined in s. 450.01 (20),  
5 that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is  
6 manufactured by a drug manufacturer that enters into a rebate agreement in force  
7 under sub. (6).

8 (d) “Prescription order” has the meaning given in s. 450.01 (21).

9 (e) “Program payment rate” means the rate of payment made for the identical  
10 drug specified under s. 49.46 (2) (b) 6. h., plus 5%, plus a dispensing fee that is equal  
11 to the dispensing fee permitted to be charged for prescription drugs for which  
12 coverage is provided under s. 49.46 (2) (b) 6. h.

13 (2) (a) A person to whom all of the following applies is eligible to purchase a  
14 prescription drug for the amounts specified in sub. (5) (a) 1. and 2.:

15 1. The person is a resident, as defined in s. 27.01 (10) (a), of this state.

16 2. The person is at least 65 years of age.

17 3. The person is not a recipient of medical assistance.

18 4. The person’s annual household income, as determined by the department,  
19 does not exceed 240% of the federal poverty line for a family the size of the person’s  
20 eligible family.

21 5. The person pays the program enrollment fee specified in sub. (3) (a).

22 (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual household  
23 income, as determined by the department, exceeds 240% of the federal poverty line  
24 for a family the size of the persons’ eligible family, is eligible to purchase a  
25 prescription drug at the amounts specified in sub. (5) (a) 4. only during the remaining

1 amount of any 12-month period in which the person has first paid the annual  
2 deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail  
3 price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

4 (3) Program participants shall pay all of the following:

5 (a) For each 12-month benefit period, a program enrollment fee of \$20.

6 (b) 1. For each 12-month benefit period, for a person specified in sub. (2) (a),  
7 a deductible for prescription drugs of \$500, except that a person whose annual  
8 household income, as determined by the department, is 160% or less of the federal  
9 poverty line for a family the size of the person's eligible family pays no deductible.

10 2. For each 12-month benefit period, for a person specified in sub. (2) (b), a  
11 deductible for prescription drugs that equals all of the following:

12 a. The difference between the person's annual household income and 240% of  
13 the federal poverty line for a family the size of the person's eligible family.

14 b. Five hundred dollars.

15 (c) After payment of any applicable deductible under par. (b), all of the  
16 following:

17 1. A copayment of \$5 for each prescription drug that bears only a generic name.

18 2. A copayment of \$15 for each prescription drug that does not bear only a  
19 generic name.

20 (d) Notwithstanding s. 49.002, if a person who is eligible under this section has  
21 other available coverage for payment of a prescription drug, this section applies only  
22 to costs for prescription drugs for the persons that are not covered under the person's  
23 other available coverage.

24 (4) The department shall devise and distribute a form for application for the  
25 program under sub. (2), shall determine eligibility for each 12-month benefit period

1 of applicants and shall issue to eligible persons a prescription drug card for use in  
2 purchasing prescription drugs, as specified in sub. (5). The department shall  
3 promulgate rules that specify the criteria to be used to determine household income  
4 under sub. (2) (a) 4. and (b) and (3) (b) 1.

5 (5) (a) Beginning on September 1, 2002, except as provided in sub. (7) (b), as  
6 a condition of participation by a pharmacy or pharmacist in the program under s.  
7 49.45, 49.46, or 49.47, the pharmacy or pharmacist may not charge a person who  
8 presents a valid prescription order and a card indicating that he or she meets  
9 eligibility requirements under sub. (2) an amount for a prescription drug under the  
10 order that exceeds the following:

11 1. For a deductible, as specified in sub. (3) (b) 1. and 2. b., the program payment  
12 rate.

13 2. After any applicable deductible under subd. 1. is charged, the copayment, as  
14 applicable, that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged  
15 to a person under this subdivision.

16 3. For a deductible, as specified in sub. (3) (b) 2. a., the retail price.

17 4. After the deductible under subd. 3. is charged, the copayment, as applicable,  
18 that is specified in sub. (3) (c) 1. or 2. No dispensing fee may be charged to a person  
19 under this subdivision.

20 (b) The department shall calculate and transmit to pharmacies and  
21 pharmacists that are certified providers of medical assistance amounts that may be  
22 used in calculating charges under par. (a). The department shall periodically update  
23 this information and transmit the updated amounts to pharmacies and pharmacists.

24 (6) The department, or an entity with which the department contracts, shall  
25 provide to a drug manufacturer that sells drugs for prescribed use in this state

1 documents designed for use by the manufacturer in entering into a rebate agreement  
2 with the department or entity that is modeled on the rebate agreement specified  
3 under 42 USC 1396r–8. A rebate agreement under this subsection shall include all  
4 of the following as requirements:

5 (a) That, except as provided in sub. (7) (b), the manufacturer shall make rebate  
6 payments for each prescription drug of the manufacturer that is prescribed for and  
7 purchased by persons who meet criteria under sub. (2) (a) and persons who meet  
8 criteria under sub. (2) (b) and have paid the deductible under sub. (3) (b) 2. a., to the  
9 state treasurer to be credited to the appropriation account under s. 20.435 (4) (j), each  
10 calendar quarter or according to a schedule established by the department.

11 (b) That, except as provided in sub. (7) (b), the amount of the rebate payment  
12 shall be determined by a method specified in 42 USC 1396r–8 (c).

13 (7) (a) Except as provided in par. (b), from the appropriation accounts under  
14 s. 20.435 (4) (bv) and (j), beginning on September 1, 2002, the department shall,  
15 under a schedule that is identical to that used by the department for payment of  
16 pharmacy provider claims under medical assistance, provide to pharmacies and  
17 pharmacists payments for prescription drugs sold by the pharmacies or pharmacists  
18 to persons eligible under sub. (2) who have paid the deductible specified under sub.  
19 (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not required to pay a deductible. The  
20 payment for each prescription drug under this paragraph shall be at the program  
21 payment rate, minus any copayment paid by the person under sub. (5) (a) 2. or 4., and  
22 plus, if applicable, incentive payments that are similar to those provided under s.  
23 49.45 (8v). The department shall devise and distribute a claim form for use by  
24 pharmacies and pharmacists under this paragraph and may limit payment under  
25 this paragraph to those prescription drugs for which payment claims are submitted

1 by pharmacists or pharmacies directly to the department. The department may  
2 apply to the program under this section the same utilization and cost control  
3 procedures that apply under rules promulgated by the department to medical  
4 assistance under subch. IV of ch. 49.

5 (b) During any period in which funding under s. 20.435 (4) (bv) is completely  
6 expended for the payments specified in par. (a), the requirements of par. (a) and subs.  
7 (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased during that period, but  
8 the department shall continue to accept applications and determine eligibility under  
9 sub. (4) and shall indicate to applicants that the eligibility of program participants  
10 to purchase prescription drugs as specified in sub. (3), under the requirements of sub.  
11 (5), is conditioned on the availability of funding under s. 20.435 (4) (bv).

12 (8) The department shall, under methods promulgated by the department by  
13 rule, monitor compliance by pharmacies and pharmacists that are certified providers  
14 of medical assistance with the requirements of sub. (5) and shall annually report to  
15 the legislature under s. 13.172 (2) concerning the compliance. The report shall  
16 include information on any pharmacies or pharmacists that discontinue  
17 participation as certified providers of medical assistance and the reasons given for  
18 the discontinuance.

19 (9) (a) The department shall promulgate rules relating to prohibitions on fraud  
20 that are substantially similar to applicable provisions under s. 49.49 (1) (a).

21 (b) A person who is convicted of violating a rule promulgated by the department  
22 under par. (a) in connection with that person's furnishing of prescription drugs under  
23 this section may be fined not more than \$25,000, or imprisoned for not more than 7  
24 years and 6 months, or both.

1 (c) A person other than a person specified in par. (b) who is convicted of violating  
2 a rule promulgated by the department under par. (a) may be fined not more than  
3 \$10,000, or imprisoned for not more than one year, or both.

4 (10) If federal law is amended to provide coverage for prescription drugs for  
5 outpatient care as a benefit under medicare or to provide similar coverage under  
6 another program, the department shall submit to appropriate standing committees  
7 of the legislature under s. 13.172 (3) a report that contains an analysis of the  
8 differences between such a federal program and the program under this section and  
9 that provides recommendations concerning alignment, if any, of the differences.

10 (11) The department shall request from the federal secretary of health and  
11 human services a waiver, under 42 USC 1315 (a), of federal medicaid laws necessary  
12 to permit the department of health and family services to conduct a project, under  
13 all of the requirements of this section, to expand eligibility for medical assistance,  
14 for purposes of receipt of prescription drugs as a benefit, to include individuals who  
15 are eligible under sub. (2). The department may implement a waiver requested  
16 under this subsection only if the conditions of the waiver are consistent with the  
17 requirements of this section. The department shall implement the program under  
18 this section regardless of whether a waiver, as specified in this subsection, is  
19 received.

20 (12) Except as provided in subs. (8) to (11) and except for the department's  
21 rule-making requirements and authority, the department may enter into a contract  
22 with an entity to perform the duties and exercise the powers of the department under  
23 this section.

24 **SECTION 1838sb.** 49.79 (2) (b) of the statutes is created to read:

1           49.79 (2) (b) An individual who fails to comply with the work requirements of  
2 the employment and training program under s. 49.13 (2) (a) is ineligible to  
3 participate in the food stamp program as specified under s. 49.13 (3).

4           **SECTION 1838t.** 49.79 (9) of the statutes is created to read:

5           49.79 (9) FRAUD INVESTIGATIONS AND ERROR REDUCTION ACTIVITIES. If the  
6 department does not contract with the department of workforce development under  
7 s. 49.197 (5), the department shall establish and administer a program to investigate  
8 fraudulent activity on the part of recipients of food stamps and to reduce errors in  
9 the payments of benefits under the food stamp program.

10          **SECTION 1838td.** 49.79 (10) of the statutes is created to read:

11          49.79 (10) CONTRACT FOR EMPLOYMENT AND TRAINING PROGRAM. The department  
12 shall contract with the department of workforce development to administer the  
13 employment and training program under s. 49.13.

14          **SECTION 1838u.** 49.85 (1) of the statutes is amended to read:

15          49.85 (1) ~~COUNTY DEPARTMENT~~ DEPARTMENT NOTIFICATION REQUIREMENT. If a  
16 county department under s. 46.215, 46.22, or 46.23, or a governing body of a federally  
17 recognized American Indian tribe or band or a Wisconsin works agency determines  
18 that the department of health and family services may recover an amount under s.  
19 49.497 or that the department of workforce development may recover an amount  
20 under s. 49.125, 49.161, or 49.195 (3), the county department or governing body shall  
21 notify the affected department of the determination. If a Wisconsin works agency  
22 determines that the department of workforce development may recover an amount  
23 under s. 49.161 or 49.195 (3), the Wisconsin works agency shall notify the  
24 department of workforce development of the determination.



1           **SECTION 1838v.** 49.85 (1) of the statutes, as affected by 2001 Wisconsin Act ....  
2 (this act), is amended to read:

3           **49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT.** If a county department  
4 under s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized  
5 American Indian tribe or band determines that the department of health and family  
6 services may recover an amount under s. 49.497 or that the department of workforce  
7 development may recover an amount under s. ~~49.125~~, 49.161, ~~or 49.195 (3)~~, or 49.793,  
8 the county department or governing body shall notify the affected department of the  
9 determination. If a Wisconsin works agency determines that the department of  
10 workforce development may recover an amount under s. 49.161 or 49.195 (3), the  
11 Wisconsin works agency shall notify the department of workforce development of the  
12 determination.

13           **SECTION 1838w.** 49.85 (2) (a) of the statutes is amended to read:

14           **49.85 (2) (a)** At least annually, the department of health and family services  
15 shall certify to the department of revenue the amounts that, based on the  
16 notifications received under sub. (1) and on other information received by the  
17 department of health and family services, the department of health and family  
18 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except  
19 that the department of health and family services may not certify an amount under  
20 this subsection unless it has met the notice requirements under sub. (3) and unless  
21 its determination has either not been appealed or is no longer under appeal.

22           **SECTION 1839m.** 49.85 (2) (b) of the statutes is amended to read:

23           **49.85 (2) (b)** At least annually, the department of workforce development shall  
24 certify to the department of revenue the amounts that, based on the notifications  
25 received under sub. (1) and on other information received by the department of

1 workforce development, the department of workforce development has determined  
2 that it may recover under ss. ~~49.125, 49.161 and, 49.195 (3), and 49.793~~, except that  
3 the department of workforce development may not certify an amount under this  
4 subsection unless it has met the notice requirements under sub. (3) and unless its  
5 determination has either not been appealed or is no longer under appeal.

6 **SECTION 1840e.** 49.85 (3) (a) 1. of the statutes is amended to read:

7 49.85 (3) (a) 1. Inform the person that the department of health and family  
8 services intends to certify to the department of revenue an amount that the  
9 department of health and family services has determined to be due under s. 49.45  
10 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

11 **SECTION 1840g.** 49.85 (3) (b) 1. of the statutes is amended to read:

12 49.85 (3) (b) 1. Inform the person that the department of workforce  
13 development intends to certify to the department of revenue an amount that the  
14 department of workforce development has determined to be due under s. ~~49.125,~~  
15 ~~49.161 or, 49.195 (3), or 49.793~~, for setoff from any state tax refund that may be due  
16 the person.

17 **SECTION 1841.** 49.853 (2) of the statutes is amended to read:

18 49.853 (2) FINANCIAL RECORD MATCHING PROGRAM AND AGREEMENTS. The  
19 department shall operate a financial record matching program under this section.  
20 The department shall promulgate rules specifying procedures under which the  
21 department shall enter into agreements with financial institutions doing business  
22 in this state to operate the financial record matching program under this section.  
23 The agreement shall require the financial institution to participate in the financial  
24 record matching program under this section by electing either the financial  
25 institution matching option under sub. (3) or the state matching option under sub.

1 (4). The rules promulgated under this section shall provide for reimbursement of  
2 financial institutions in an amount not to exceed their actual costs of participation  
3 department shall reimburse a financial institution up to \$125 per quarter for  
4 participating in the financial record matching program under this section.

5 **SECTION 1842.** 49.855 (1) of the statutes is amended to read:

6 49.855 (1) If a person obligated to provide pay child support, family support or,  
7 maintenance, or the receiving and disbursing fee under s. 767.29 (1) (d) is delinquent  
8 in making court-ordered any of those payments, or owes an outstanding amount that  
9 has been ordered by the court for past support, medical expenses, or birth expenses,  
10 upon application under s. 59.53 (5) the department of workforce development shall  
11 certify the delinquent payment or outstanding amount to the department of revenue  
12 and, at least annually, shall provide to the department of revenue any certifications  
13 of delinquencies or outstanding amounts that it receives from another state because  
14 the obligor resides in this state.

15 **SECTION 1843.** 49.855 (3) of the statutes is amended to read:

16 49.855 (3) Receipt of a certification by the department of revenue shall  
17 constitute a lien, equal to the amount certified, on any state tax refunds or credits  
18 owed to the obligor. The lien shall be foreclosed by the department of revenue as a  
19 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines  
20 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the  
21 obligor that the state intends to reduce any state tax refund or credit due the obligor  
22 by the amount the obligor is delinquent under the support or, maintenance, or  
23 receiving and disbursing fee order or obligation, by the outstanding amount for past  
24 support, medical expenses, or birth expenses under the court order, or by the amount  
25 due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the

1 obligor may request a hearing before the circuit court rendering the order under  
2 which the obligation arose. Within 10 days after receiving a request for hearing  
3 under this subsection, the court shall set the matter for hearing. Pending further  
4 order by the court or family court commissioner, the department of workforce  
5 development or its designee, whichever is appropriate, is prohibited from disbursing  
6 the obligor's state tax refund or credit. The family court commissioner may conduct  
7 the hearing. The sole issues at that hearing shall be whether the obligor owes the  
8 amount certified and, if not and it is a support or maintenance order, whether the  
9 money withheld from a tax refund or credit shall be paid to the obligor or held for  
10 future support or maintenance. ~~An obligor may, within 20 days of receiving notice~~  
11 ~~that the amount certified shall be withheld from his or her federal tax refund or~~  
12 ~~credit, request a hearing under this subsection.~~

13 **SECTION 1844b.** 49.855 (4) of the statutes is renumbered 49.855 (4) (a) and  
14 amended to read:

15 49.855 (4) (a) The department of revenue shall send ~~that the~~ portion of any  
16 ~~state or federal tax refunds or credits withheld for delinquent child or family support~~  
17 ~~or maintenance or past support, medical expenses, or birth expenses to the~~  
18 ~~department of workforce development or its designee for distribution to the obligee~~  
19 deposit in the support collections trust fund under s. 25.68 and shall send the portion  
20 of any state tax refunds or credits withheld for delinquent receiving and disbursing  
21 fees to the department of workforce development or its designee for deposit in the  
22 appropriation account under s. 20.445 (3) (ja). The department of workforce  
23 development shall make a settlement at least annually with the department of  
24 revenue. The settlement shall state the amounts certified, the amounts deducted

1 from tax refunds and credits, and the administrative costs incurred by the  
2 department of revenue.

3 **SECTION 1844c.** 49.855 (4) (b) of the statutes is created to read:

4 49.855 (4) (b) The department of administration shall send the portion of any  
5 federal tax refunds or credits received from the internal revenue service that was  
6 withheld for delinquent child or family support or maintenance or past support,  
7 medical expenses, or birth expenses to the department of workforce development or  
8 its designee for deposit in the support collections trust fund under s. 25.68 and shall  
9 send the portion of any federal tax refunds or credits received from the internal  
10 revenue service that was withheld for delinquent receiving and disbursing fees to the  
11 department of workforce development or its designee for deposit in the appropriation  
12 account under s. 20.445 (3) (ja).

13 **SECTION 1845.** 49.855 (4m) (b) of the statutes is amended to read:

14 49.855 (4m) (b) The department of revenue may provide a certification that it  
15 receives under sub. (1), (2m), or (2p) to the department of administration. Upon  
16 receipt of the certification, the department of administration shall determine  
17 whether the obligor is a vendor or is receiving any other payments from this state,  
18 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
19 45.351 (1), this chapter, or ch. 46, 108, or 301. If the department of administration  
20 determines that the obligor is a vendor or is receiving payments from this state,  
21 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.  
22 45.351 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount  
23 certified from those payments and shall notify the obligor that the state intends to  
24 reduce any payments due the obligor by the amount the obligor is delinquent under  
25 the support ~~or~~, maintenance, or receiving and disbursing fee order or obligation, by

1 the outstanding amount for past support, medical expenses, or birth expenses under  
2 the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall  
3 provide that within 20 days after receipt of the notice the obligor may request a  
4 hearing before the circuit court rendering the order under which the obligation arose.  
5 An obligor may, within 20 days after receiving notice, request a hearing under this  
6 paragraph. Within 10 days after receiving a request for hearing under this  
7 paragraph, the court shall set the matter for hearing. The family court commissioner  
8 may conduct the hearing. Pending further order by the court or family court  
9 commissioner, the department of workforce development or its designee, whichever  
10 is appropriate, may not disburse the payments withheld from the obligor. The sole  
11 issues at the hearing are whether the obligor owes the amount certified and, if not  
12 and it is a support or maintenance order, whether the money withheld shall be paid  
13 to the obligor or held for future support or maintenance.

14 **SECTION 1846.** 49.855 (4m) (c) of the statutes is amended to read:

15 49.855 (4m) (c) Except as provided by order of the court after hearing under  
16 par. (b), the department of administration shall continue withholding until the  
17 amount certified is recovered in full. The department of administration shall  
18 transfer the amounts withheld under this paragraph to the department of workforce  
19 development or its designee, the department of health and family services, or the  
20 department of corrections, whichever is appropriate. The department of workforce  
21 development or its designee shall distribute deposit amounts withheld for  
22 delinquent child or family support or, maintenance, or receiving and disbursing fees  
23 or past support, medical expenses, or birth expenses to the obligee in the  
24 appropriation account under s. 20.445 (3) (kp).

25 **SECTION 1877g.** 50.01 (1) (b) of the statutes is amended to read:

1           50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator  
2           reside and receive care, treatment or services that are above the level of room and  
3           board and that may include up to 7 hours per week of nursing care per resident.  
4           “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d),  
5           (f) or (g) or a respite facility, as defined in s. 50.85 (1) (d).

6           **SECTION 1877h.** 50.01 (1g) (h) of the statutes is created to read:

7           50.01 (1g) (h) A respite facility, as defined in s. 50.85 (1) (d).

8           **SECTION 1877i.** 50.01 (3) (f) of the statutes is created to read:

9           50.01 (3) (f) A respite facility, as defined in s. 50.85 (1) (d).

10          **SECTION 1877p.** 50.03 (13) (a) of the statutes is amended to read:

11          50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from  
12          the person or persons named in the license to any other person or persons, the  
13          transferee must obtain a new license. The license may be a probationary license.  
14          Penalties under sub. (1) shall apply to violations of this subsection. The transferee  
15          shall notify the department of the transfer, file an application under sub. (3) (b), and  
16          apply for a new license at least 30 days prior to final transfer. Retention of any  
17          interest required to be disclosed under sub. (3) (b) after transfer by any person who  
18          held such an interest prior to transfer may constitute grounds for denial of a license  
19          where violations of this subchapter for which notice had been given to the transferor  
20          are outstanding and uncorrected, if the department determines that effective control  
21          over operation of the facility has not been transferred. If the transferor was a  
22          provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45  
23          (21).

24          **SECTION 1878.** 50.033 (2s) (intro.) of the statutes is amended to read:

1           50.033 (2s) REQUIRED REFERRAL. (intro.) Subject to sub. (2t), an adult family  
2 home shall, within the time period prescribed by the department by rule, refer to a  
3 resource center under s. 46.283 a person who is seeking admission, who is at least  
4 65 years of age or has developmental disability or a physical disability and whose  
5 disability or condition is expected to last at least 90 days, unless any of the following  
6 applies:

7           **SECTION 1886.** 50.034 (5n) (intro.) of the statutes is amended to read:

8           50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), a residential care  
9 apartment complex shall, within the time period prescribed by the department by  
10 rule, refer to a resource center under s. 46.283 a person who is seeking admission,  
11 who is at least 65 years of age or has developmental disability or a physical disability  
12 and whose disability or condition is expected to last at least 90 days, unless any of  
13 the following applies:

14           **SECTION 1894.** 50.035 (4n) (intro.) of the statutes is amended to read:

15           50.035 (4n) REQUIRED REFERRAL. (intro.) Subject to sub. (4p), a  
16 community-based residential facility shall, within the time period prescribed by the  
17 department by rule, refer to a resource center under s. 46.283 a person who is seeking  
18 admission, who is at least 65 years of age or has developmental disability or a  
19 physical disability and whose disability or condition is expected to last at least 90  
20 days, unless any of the following applies:

21           **SECTION 1894r.** 50.065 (1) (c) (intro.) of the statutes is amended to read:

22           50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is  
23 licensed or certified by or registered with the department to provide direct care or  
24 treatment services to clients. “Entity” includes a hospital, a personal care worker  
25 agency, a supportive home care service agency, a temporary employment agency that



1 provides caregivers to another entity, a respite facility, and the board on aging and  
2 long-term care. “Entity” does not include any of the following:

3 **SECTION 1897g.** 50.50 (3) (a) 7. of the statutes is created to read:

4 50.50 (3) (a) 7. A respite facility.

5 **SECTION 1900b.** Subchapter IV (title) of chapter 50 [precedes 50.85] of the  
6 statutes is amended to read:

7 **CHAPTER 50**

8 **SUBCHAPTER IV**

9 **RESPITE FACILITIES AND HOSPICES**

10 **SECTION 1900c.** 50.85 of the statutes is created to read:

11 **50.85 Respite facilities for persons with like or similar disabilities. (1)**

12 **DEFINITIONS.** In this section:

13 (a) “Disability” has the meaning given in rules promulgated under sub. (8) (e).

14 (b) “Like or similar disabilities” has the meaning given in rules promulgated  
15 under sub. (8) (f).

16 (c) “Respite care” means care provided to a person with a disability in order to  
17 provide temporary relief to the primary caregiver.

18 (d) “Respite facility” means a facility in which overnight respite care is provided  
19 to up to 10 persons with like or similar disabilities who are at least 2 years of age and  
20 in which day respite care may be provided to up to 10 additional persons with like  
21 or similar disabilities who are at least 2 years of age.

22 **(2) DEPARTMENTAL POWERS AND DUTIES.** The department shall provide uniform,  
23 statewide licensure, inspection, and regulation of respite facilities as specified in this  
24 section.

1           **(3) LICENSURE REQUIREMENTS.** (a) No person may conduct, maintain, operate,  
2 or otherwise participate in conducting, maintaining, or operating a respite facility  
3 unless the respite facility is licensed by the department.

4           (b) The department shall issue a license if the department finds that the  
5 applicant is fit and qualified and that the respite facility meets the requirements of  
6 this section and the rules promulgated under this section.

7           (c) The department or the department's designated representative shall  
8 inspect or investigate a respite facility prior to issuance of a license for the respite  
9 facility and may inspect or investigate a respite facility as the department deems  
10 necessary, including a review of patient health care records of any individuals served  
11 by the respite facility, to determine if any person is in violation of this section.

12           (d) The past record of violations of applicable federal laws or regulations or of  
13 state statutes or rules of this or any other state, in the operation of any  
14 health-related organization, by an operator, managing employee, or direct or  
15 indirect owner of a respite facility or of an interest of a respite facility is relevant to  
16 the issue of the fitness of an applicant for a license. The department or the  
17 department's designated representative shall inspect and investigate as necessary  
18 to determine the conditions existing in each case under this paragraph and shall  
19 prepare and maintain a written report concerning the investigation and inspection.

20           **(4) USE OF NAME OR ADVERTISING PROHIBITED.** No entity that is not a respite  
21 facility licensed under this section or an applicant for a license under this section may  
22 designate itself as a "respite facility" or use the word "respite facility" to represent  
23 or tend to represent the entity as a respite facility or services provided by the entity  
24 as services provided by a respite facility.

25           **(5) LICENSING PROCEDURE.** (a) The application for a license shall:

1           1. Be in writing on a form provided by the department.

2           2. Contain such information as the department requires.

3           3. Include licensing fee payment, as specified in sub. (6).

4           (b) 1. A respite facility license is valid until suspended or revoked.

5           2. Each license shall be issued only for the applicant named in the application  
6 and may not be transferred or assigned.

7           3. Any license granted under special limitations prescribed by the department  
8 shall state the limitations.

9           **(6) LICENSURE FEE.** The annual fee for a licensed respite facility is \$18 per bed,  
10 based on the number of licensed beds of the respite facility.

11           **(7) SUSPENSION AND REVOCATION.** (a) The department, after notice to the  
12 applicant or licensee, may suspend or revoke a license in any case in which the  
13 department finds that there has been a substantial failure to comply with the  
14 requirements of this section or the rules promulgated under this section. No state  
15 or federal funds passing through the state treasury may be paid to a respite facility  
16 that does not have a valid license issued under this section.

17           (b) Notice under this subsection shall include a clear and concise statement of  
18 the violations on which the revocation is based, the statute or rule violated and notice  
19 of the opportunity for an evidentiary hearing under par. (c).

20           (c) If a respite facility desires to contest the revocation of a license, the respite  
21 facility shall, within 10 days after receipt of notice under par. (b), notify the  
22 department in writing of its request for a hearing under s. 227.44.

23           (d) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set  
24 by the department in the notice of revocation, or upon final action after a hearing

1 under ch. 227, or after court action if a stay is granted under ch. 227, whichever is  
2 later.

3 3. The department may extend the effective date of license revocation in any  
4 case in order to permit orderly removal and relocation of individuals served by the  
5 respite facility.

6 (8) RULE-MAKING AUTHORITY. The department shall promulgate all of the  
7 following rules:

8 (a) Standards for the care, treatment, health, safety, rights, and welfare of  
9 persons with like or similar disabilities who receive respite care care from a respite  
10 facility and the maintenance, general hygiene and operation of a respite facility,  
11 which will permit the use of advancing knowledge to promote safe and adequate care  
12 and treatment for these individuals. These standards shall permit persons with like  
13 or similar disabilities who receive day care from a respite facility to share dining  
14 facilities and day trips with persons with with like or similar disabilities who receive  
15 overnight care from a respite facility. The standards shall also allow provision of fire  
16 safety training by a local fire inspector or a fire department.

17 (b) Inspection or investigation procedures that the department or the  
18 department's designated representative may use to assure the provision of care and  
19 treatment that is commensurate with the standards established under par. (a).

20 (c) Criteria for determining that the applicant for licensure is fit and qualified.

21 (d) A procedure for waiver of and variance from standards under par. (a) or  
22 criteria under par. (c). The department may limit the duration of the waiver or  
23 variance.

24 (e) A definition of "disability" for the purposes of this section.

25 (f) A definition of "like or similar disabilities" for the purposes of this section.

1           (9) RIGHT OF INJUNCTION. The department may, upon the advice of the attorney  
2           general, who shall represent the department in all proceedings under this section,  
3           institute an action in the name of the state in the circuit court for Dane County for  
4           injunctive relief or other process against any licensee, owner, operator,  
5           administrator or representative of any owner of a respite facility for the violation of  
6           any of the provisions of this section or rules promulgated under this section if the  
7           violation affects the health, safety, or welfare of persons with like or similar  
8           disabilities.

9           (10) FORFEITURES. (a) Any person who violates this subchapter or rules  
10          promulgated under this subchapter may be required to forfeit not more than \$100  
11          for the first violation and may be required to forfeit not more than \$200 for the 2nd  
12          or any subsequent violation within a year. The period shall be measured using the  
13          dates of issuance of citations of the violations. Each day of violation constitutes a  
14          separate violation.

15          (b) In determining whether a forfeiture is to be imposed and in fixing the  
16          amount of the forfeiture to be imposed, if any, for a violation, the following factors  
17          shall be considered:

18                1. The gravity of the violation, including the probability that death or serious  
19                physical or psychological harm to a person receiving respite care from a respite  
20                facility will result or has resulted; the severity of the actual or potential harm; and  
21                the extent to which the provisions of the applicable statutes or rules were violated.

22                2. Good faith exercised by the licensee. Indications of good faith include, but  
23                are not limited to, awareness of the applicable statutes and regulation and  
24                reasonable diligence in complying with such requirements, prior accomplishments

1 manifesting the licensee's desire to comply with the requirements, efforts to correct  
2 and any other mitigating factors in favor of the licensee.

3 3. Any previous violations committed by the licensee.

4 4. The financial benefit to the respite facility of committing or continuing the  
5 violation.

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

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

23 (e) All forfeitures shall be paid to the department within 10 days after receipt  
24 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days  
25 after receipt of the final decision after exhaustion of administrative review, unless

1 the final decision is appealed and the order is stayed by court order under the same  
2 terms and conditions as found in s. 50.03 (11). The department shall remit all  
3 forfeitures paid to the state treasurer for deposit in the school fund.

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

8 **SECTION 1900d.** 50.90 (intro.) of the statutes is amended to read:

9 **50.90 Definitions.** (intro.) In this subchapter section to s. 50.981:

10 **SECTION 1900e.** 50.91 of the statutes is amended to read:

11 **50.91 Departmental powers and duties.** The department shall provide  
12 uniform, statewide licensing, inspection and regulation of hospices as specified in  
13 this subchapter ss. 50.90 to 50.981.

14 **SECTION 1900f.** 50.92 (2) of the statutes is amended to read:

15 50.92 (2) The department shall issue a license if the department finds that the  
16 applicant is fit and qualified and that the hospice meets the requirements of ~~this~~  
17 subchapter ss. 50.90 to 50.981 and the rules promulgated under ~~this subchapter ss.~~  
18 50.90 to 50.981.

19 **SECTION 1900g.** 50.92 (3) of the statutes is amended to read:

20 50.92 (3) The department or the department's designated representative shall  
21 inspect or investigate a hospice prior to issuance of a license for the hospice except  
22 as provided in sub. (4) and may inspect or investigate a hospice as the department  
23 deems necessary, including conducting home visits or a review of health care records  
24 of any individuals with terminal illness served by the hospice, to determine if any  
25 person is in violation of ~~this subchapter ss. 50.90 to 50.981~~.

1           **SECTION 1900h.** 50.925 of the statutes is amended to read:

2           **50.925 Use of name or advertising prohibited.** No entity that is not a  
3 hospice licensed under ~~this subchapter ss. 50.90 to 50.981~~ or an applicant for a  
4 license or a provisional license under ~~this subchapter ss. 50.90 to 50.981~~ may  
5 designate itself as a “hospice” or use the word “hospice” to represent or tend to  
6 represent the entity as a hospice or services provided by the entity as services  
7 provided by a hospice.

8           **SECTION 1900i.** 50.93 (3) of the statutes is amended to read:

9           **50.93 (3) PROVISIONAL LICENSE.** If the applicant has not been previously licensed  
10 under ~~this subchapter s. 50.92~~ or if the hospice is not in operation at the time that  
11 application is made, the department may issue a provisional license. Unless sooner  
12 suspended or revoked under sub. (4), a provisional license shall be valid for 24  
13 months from the date of issuance. Within 30 days prior to the termination of a  
14 provisional license, the department shall fully and completely inspect the hospice  
15 and, if the hospice meets the applicable requirements for licensure, shall issue a  
16 regular license under sub. (2). If the department finds that the hospice does not meet  
17 the requirements for licensure, the department may not issue a regular license under  
18 sub. (2).

19           **SECTION 1900j.** 50.93 (4) (a) of the statutes is amended to read:

20           **50.93 (4) (a)** The department, after notice to the applicant or licensee, may  
21 suspend or revoke a license in any case in which the department finds that there has  
22 been a substantial failure to comply with the requirements of ~~this subchapter ss.~~  
23 50.90 to 50.981 or the rules promulgated under ~~this subchapter ss. 50.90 to 50.981.~~  
24 No state or federal funds passing through the state treasury may be paid to a hospice  
25 not having a valid license issued under this section.



1           **SECTION 1900k.** 50.97 of the statutes is amended to read:

2           **50.97 Right of injunction.** The department may, upon the advice of the  
3 attorney general, who shall represent the department in all proceedings under this  
4 section, institute an action in the name of the state in the circuit court for Dane  
5 County for injunctive relief or other process against any licensee, owner, operator,  
6 administrator or representative of any owner of a hospice for the violation of any of  
7 the provisions of ~~this subchapter~~ ss. 50.90 to 50.981 or rules promulgated under ~~this~~  
8 ~~subchapter~~ ss. 50.90 to 50.981 if the violation affects the health, safety or welfare of  
9 individuals with terminal illness.

10           **SECTION 1900L.** 50.98 (1) of the statutes is amended to read:

11           50.98 (1) Any person who violates ~~this subchapter~~ ss. 50.90 to 50.981 or rules  
12 promulgated under ~~this subchapter~~ ss. 50.90 to 50.981 may be required to forfeit not  
13 more than \$100 for the first violation and may be required to forfeit not more than  
14 \$200 for the 2nd or any later violation within a year. The period shall be measured  
15 using the dates of issuance of citations of the violations. Each day of violation  
16 constitutes a separate violation.

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18           **SECTION 1900m.** 50.981 of the statutes is amended to read:

19           **50.981 Fees permitted for a workshop or seminar.** If the department  
20 develops and provides a workshop or seminar relating to the provision of services by  
21 hospices under ~~this subchapter~~ ss. 50.90 to 50.981, the department may establish a  
22 fee for each workshop or seminar and impose the fee on registrants for the workshop  
23 or seminar. A fee so established and imposed shall be in an amount sufficient to  
24 reimburse the department for the costs directly associated with developing and  
25 providing the workshop or seminar.

1           **SECTION 1955b.** 51.02 (1) (e) of the statutes is repealed.

2           **SECTION 1961.** 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and  
3 amended to read:

4           **51.06 (1) PURPOSE.** The purpose of the northern center for developmentally  
5 disabled, central center for developmentally disabled and southern center for  
6 developmentally disabled is to provide services needed by developmentally disabled  
7 citizens of this state ~~which~~ that are otherwise unavailable to them, and to return  
8 ~~such~~ those persons to the community when their needs can be met at the local level.  
9 ~~Services to be provided by the department at such centers shall include:~~

10           **SECTION 1962.** 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a)  
11 to (d), and 51.06 (1m) (d), as renumbered, is amended to read:

12           **51.06 (1m) (d)** Services for up to ~~36~~ 50 individuals with developmental  
13 disability who are also diagnosed as mentally ill or who exhibit extremely aggressive  
14 and challenging behaviors.

15           **SECTION 1963.** 51.06 (1m) (intro.) of the statutes is created to read:

16           **51.06 (1m) SERVICES.** (intro.) Services to be provided by the department at  
17 centers for the developmentally disabled shall include:

18           **SECTION 1964.** 51.06 (1r) of the statutes is created to read:

19           **51.06 (1r) ALTERNATIVE SERVICES.** (a) In addition to services provided under  
20 sub. (1m), the department may, when the department determines that community  
21 services need to be supplemented, authorize a center for the developmentally  
22 disabled to offer short-term residential services, dental and mental health services,  
23 therapy services, psychiatric and psychological services, general medical services,  
24 pharmacy services, and orthotics.

1 (b) Services under this subsection may be provided only under contract  
2 between the department and a county department under s. 46.215, 46.22, 46.23,  
3 51.42, or 51.437, a school district, or another public or private entity within the state  
4 to persons referred from those entities, at the discretion of the department. The  
5 department shall charge the referring entity all costs associated with providing the  
6 services. Unless a referral is made, the department may not offer services under this  
7 subsection to the person who is to receive the services or to his or her family. The  
8 department may not impose a charge for services under this subsection upon the  
9 person receiving the services or upon his or her family. Any revenues received under  
10 this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

11 (c) 1. Services under this subsection are governed by subchapter XVI of ch. 48  
12 and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)  
13 (b), and 51.61, for the application of which the services shall be considered to be  
14 provided by a private entity, by rules promulgated under those statutes, and by the  
15 terms of the contract between the department, except that, in the event of a conflict  
16 between the contractual terms and the statutes or rules, the services shall comply  
17 with the contractual, statutory, or rules provision that is most protective of the  
18 service recipient's health, safety, welfare, or rights.

19 2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and  
20 zoning or other ordinances or regulations of the county, city, town, or village in which  
21 the services are provided or the facility is located do not apply to the services under  
22 this subsection.

23 3. The department may not be required, by court order or otherwise, to offer  
24 services under this subsection.

1 (d) A residential facility operated by a center for the developmentally disabled  
2 that is authorized by the department under this subsection may not be considered  
3 to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment  
4 facility, or a treatment facility.

5 **SECTION 1965b.** 51.15 (1) (a) (intro.) of the statutes is amended to read:

6 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to  
7 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938  
8 may take an individual into custody if the officer or person has cause to believe that  
9 ~~such~~ the individual is mentally ill ~~or, except as provided in subd. 5., is drug~~  
10 ~~dependent, or is~~ developmentally disabled, and that the individual evidences any of  
11 the following:

12 **SECTION 1965c.** 51.15 (1) (a) 5. of the statutes is repealed.

13 **SECTION 1965d.** 51.15 (1) (c) of the statutes is repealed.

14 **SECTION 1965e.** 51.15 (4) (a) of the statutes is amended to read:

15 51.15 (4) (a) In counties having a population of 500,000 or more, the law  
16 enforcement officer or other person authorized to take a child into custody under ch.  
17 48 or to take a juvenile into custody under ch. 938 shall sign a statement of  
18 emergency detention which shall provide detailed specific information concerning  
19 the recent overt act, attempt, or threat to act or omission on which the belief under  
20 sub. (1) is based and the names of the persons observing or reporting the recent overt  
21 act, attempt, or threat to act or omission. The law enforcement officer or other person  
22 is not required to designate in the statement whether the subject individual is  
23 mentally ill, developmentally disabled, or drug dependent, but shall allege that he  
24 or she has cause to believe that the individual evidences one or more of these  
25 conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.~~

1 is believed. The law enforcement officer or other person shall deliver, or cause to be  
2 delivered, the statement to the detention facility upon the delivery of the individual  
3 to it.

4 **SECTION 1965f.** 51.15 (5) of the statutes is amended to read:

5 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a  
6 population of less than 500,000, the law enforcement officer or other person  
7 authorized to take a child into custody under ch. 48 or to take a juvenile into custody  
8 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide  
9 detailed specific information concerning the recent overt act, attempt, or threat to  
10 act or omission on which the belief under sub. (1) is based and the names of persons  
11 observing or reporting the recent overt act, attempt, or threat to act or omission. The  
12 law enforcement officer or other person is not required to designate in the statement  
13 whether the subject individual is mentally ill, developmentally disabled, or drug  
14 dependent, but shall allege that he or she has cause to believe that the individual  
15 evidences one or more of these conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or~~  
16 ~~mental illness, if sub. (1) (a) 5. is believed.~~ The statement of emergency detention  
17 shall be filed by the officer or other person with the detention facility at the time of  
18 admission, and with the court immediately thereafter. The filing of the statement  
19 has the same effect as a petition for commitment under s. 51.20. When, upon the  
20 advice of the treatment staff, the director of a facility specified in sub. (2) determines  
21 that the grounds for detention no longer exist, he or she shall discharge the  
22 individual detained under this section. Unless a hearing is held under s. 51.20 (7)  
23 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement  
24 officer or other person and the facility for more than a total of 72 hours, exclusive of  
25 Saturdays, Sundays, and legal holidays.

1           **SECTION 1965g.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

2           51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to  
3 be drug dependent or developmentally disabled, after the advantages and  
4 disadvantages of and alternatives to accepting a particular medication or treatment  
5 have been explained to him or her and because of mental illness, evidences either  
6 incapability of expressing an understanding of the advantages and disadvantages of  
7 accepting medication or treatment and the alternatives, or substantial incapability  
8 of applying an understanding of the advantages, disadvantages, and alternatives to  
9 his or her mental illness in order to make an informed choice as to whether to accept  
10 or refuse medication or treatment; and evidences a substantial probability, as  
11 demonstrated by both the individual's treatment history and his or her recent acts  
12 or omissions, that the individual needs care or treatment to prevent further  
13 disability or deterioration and a substantial probability that he or she will, if left  
14 untreated, lack services necessary for his or her health or safety and suffer severe  
15 mental, emotional, or physical harm that will result in the loss of the individual's  
16 ability to function independently in the community or the loss of cognitive or  
17 volitional control over his or her thoughts or actions. The probability of suffering  
18 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.  
19 if reasonable provision for the individual's care or treatment is available in the  
20 community and there is a reasonable probability that the individual will avail  
21 himself or herself of these services or if the individual is appropriate for protective  
22 placement under s. 55.06. Food, shelter, or other care that is provided to an  
23 individual who is substantially incapable of obtaining food, shelter, or other care for  
24 himself or herself by any person other than a treatment facility does not constitute  
25 reasonable provision for the individual's care or treatment in the community under

1 this subd. 2. e. The individual's status as a minor does not automatically establish  
2 a substantial probability of suffering severe mental, emotional, or physical harm  
3 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

4 **SECTION 1965h.** 51.20 (1) (ad) 1. of the statutes is amended to read:

5 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition  
6 shall be reviewed and approved by the attorney general or by his or her designee prior  
7 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or  
8 her designee disapproves or fails to act with respect to the petition, the petition may  
9 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~  
10 ~~with respect to a petition under this subdivision within 12 hours after the time that~~  
11 ~~it is filed, the individual, if detained under the petition, shall be released and the~~  
12 ~~petition is void.~~

13 **SECTION 1965i.** 51.20 (1) (ad) 3. of the statutes is repealed.

14 **SECTION 1965j.** 51.20 (10) (cm) 1. of the statutes is renumbered 51.20 (10) (cm)  
15 and amended to read:

16 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a  
17 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437  
18 shall furnish to the court and the subject individual an initial recommended written  
19 treatment plan that contains the goals of treatment, the type of treatment to be  
20 provided, and the expected providers. The treatment plan shall address the  
21 individual's needs for inpatient care, residential services, community support  
22 services, medication and its monitoring, case management, and other services to  
23 enable the person to live in the community upon release from an inpatient facility.  
24 The treatment plan shall contain information concerning the availability of the  
25 needed services and community treatment providers' acceptance of the individual

1 into their programs. The treatment plan is only a recommendation and is not subject  
2 to approval or disapproval by the court. Failure to furnish a treatment plan under  
3 this ~~subdivision~~ paragraph does not constitute grounds for dismissal of the petition  
4 unless the failure is made in bad faith.

5 SECTION 1965k. 51.20 (10) (cm) 2. of the statutes is repealed.

6 SECTION 1965L. 51.20 (13) (g) 2d. c. of the statutes is repealed.

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8 SECTION 1965m. 51.30 (3) (b) of the statutes is amended to read:

9 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation  
10 counsel shall have access to the files and records of the court proceedings under this  
11 chapter without the individual's consent and without modification of the records in  
12 order to prepare for involuntary commitment or recommitment proceedings,  
13 reexaminations, appeals, or other actions relating to detention, admission, or  
14 commitment under this chapter or ch. 971 or 975.

15 SECTION 1965n. 51.30 (4) (b) 11. of the statutes is amended to read:

16 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and  
17 the corporation counsel, without modification, at any time in order to prepare for  
18 involuntary commitment or recommitment proceedings, reexaminations, appeals, or  
19 other actions relating to detention, admission, commitment, or patients' rights under  
20 this chapter or ch. 48, 971, or 975.

21 SECTION 1965p. 51.30 (4) (b) 14. of the statutes is repealed.

22 SECTION 1966cb. 51.13 (1) (a) of the statutes is amended to read:

23 51.13 (1) (a) Except as provided in par. (c) and s. 51.45 (2m), the application for  
24 voluntary admission of a minor who is under 14 years of age or older to an approved  
25 inpatient treatment facility for the primary purpose of treatment for alcoholism or



1 drug abuse and the application for voluntary admission of a minor who is under 14  
2 years of age to an approved inpatient treatment facility for the primary purpose of  
3 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
4 shall be executed by a parent who has legal custody of the minor or the minor's  
5 guardian. Any statement or conduct by a minor under the age of 14 who is the subject  
6 of an application for voluntary admission under this paragraph indicating that the  
7 minor does not agree to admission to the facility shall be noted on the face of the  
8 application and shall be noted in the petition required by sub. (4).

9 **SECTION 1966cc.** 51.13 (1) (b) of the statutes is amended to read:

10 51.13 (1) (b) The application for voluntary admission of a minor who is 14 years  
11 of age or ~~ever~~ older to an approved inpatient treatment facility for the primary  
12 purpose of treatment for mental illness or developmental disability shall be executed  
13 by the minor and a parent who has legal custody of the minor or the minor's guardian,  
14 except as provided in par. (c) 1.

15 **SECTION 1966cd.** 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
16 amended to read:

17 51.13 (1) (c) 1. If a minor 14 years of age or older wishes to be admitted to an  
18 approved inpatient treatment facility but a parent with legal custody or the guardian  
19 refuses to execute the application for admission or cannot be found, or if there is no  
20 parent with legal custody, the minor or a person acting on the minor's behalf may  
21 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the  
22 county of residence of the parent or guardian for approval of the admission. A copy  
23 of the petition and a notice of hearing shall be served upon the parent or guardian  
24 at his or her last-known address. If, after a hearing, the court determines that the  
25 parent or guardian's consent is of the parent or guardian is being unreasonably

1 withheld or, that the parent or guardian cannot be found, or that there is no parent  
2 with legal custody, and that the admission is proper under the standards prescribed  
3 in sub. (4) (d), ~~it~~ the court shall approve the minor's admission without the parent  
4 ~~or guardian's consent~~ of the parent or guardian.

5 3. The court may, at the minor's request, temporarily approve the admission  
6 pending hearing on the petition. If a hearing is held under ~~this subsection~~ subd. 1.  
7 or 2., no review or hearing under sub. (4) is required.

8 **SECTION 1966ce.** 51.13 (1) (c) 2. of the statutes is created to read:

9 51.13 (1) (c) 2. If a minor under 14 years of age wishes to be admitted to an  
10 approved inpatient treatment facility but a parent with legal custody or the guardian  
11 cannot be found, or if there is no parent with legal custody, the minor or a person  
12 acting on the minor's behalf may petition the court assigned to exercise jurisdiction  
13 under chs. 48 and 938 in the county of residence of the parent or guardian for  
14 approval of the admission. A copy of the petition and a notice of hearing shall be  
15 served upon the parent or guardian at his or her last-known address. If, after a  
16 hearing, the court determines that the parent or guardian cannot be found or that  
17 there is no parent with legal custody, and that the admission is proper under the  
18 standards prescribed in sub. (4) (d), the court shall approve the minor's admission  
19 without the consent of the parent or guardian.

20 **SECTION 1966cf.** 51.13 (1) (d) of the statutes is amended to read:

21 51.13 (1) (d) A minor against whom a petition or statement has been filed under  
22 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court  
23 may permit the minor to become a voluntary patient ~~pursuant to~~ under this section  
24 upon approval by the court of an application executed ~~pursuant to~~ under par. (a), (b),  
25 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,

1 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
2 under sub. (4) is required.

3 **SECTION 1966cg.** 51.13 (1) (e) of the statutes is amended to read:

4 51.13 (1) (e) A minor may be admitted immediately upon the approval of the  
5 application executed under par. (a) or (b) by the treatment director of the facility or  
6 his or her designee or, in the case of a center for the developmentally disabled, the  
7 director of the center or his or her designee, and the director of the appropriate county  
8 department under s. 51.42 or 51.437 if ~~such~~ the county department is to be  
9 responsible for the cost of the minor's therapy and treatment. Approval shall be  
10 based upon an informed professional opinion that the minor is in need of psychiatric  
11 services or services for developmental disability, alcoholism, or drug abuse, that the  
12 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for  
13 the minor's needs, and that inpatient care in the facility is the least restrictive  
14 therapy or treatment consistent with the minor's needs. In the case of a minor who  
15 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
16 approval shall also be based on the results of an alcohol or other drug abuse  
17 assessment that conforms to the criteria specified in s. 938.547 (4).

18 **SECTION 1966ch.** 51.13 (2) (a) of the statutes is amended to read:

19 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
20 without complying with the requirements of this section if the admission does not  
21 involve the department or a county department under s. 51.42 or 51.437, or a contract  
22 between a treatment facility and the department or ~~between a treatment facility and~~  
23 a county department. The application for voluntary admission of a minor who is 14  
24 years of age or older to an inpatient treatment facility for the primary purpose of  
25 treatment for alcoholism or drug abuse and the application for voluntary admission

1 of a minor who is under 14 years of age to an inpatient treatment facility for the  
2 primary purpose of treatment for mental illness, developmental disability,  
3 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the  
4 minor or by the minor's guardian. The application for voluntary admission of a minor  
5 who is 14 years of age or ~~over~~ older to an inpatient treatment facility for the primary  
6 purpose of treatment for mental illness or developmental disability shall be executed  
7 by the minor and a parent who has legal custody of the minor or the minor's guardian.

8 **SECTION 1966ci.** 51.13 (2) (b) of the statutes is amended to read:

9 51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
10 and who is admitted to an inpatient treatment facility for the primary purpose of  
11 treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~  
12 has the right to be discharged within 48 hours of after his or her request, as provided  
13 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
14 who is admitted to an inpatient treatment facility for the primary purpose of  
15 treatment for mental illness or developmental disability, and the minor's parent or  
16 guardian, shall be informed of this right orally and in writing by the director of the  
17 hospital or such person's designee. This paragraph does not apply to individuals who  
18 receive services in hospital emergency rooms.

19 **SECTION 1966ck.** 51.13 (2) (d) of the statutes is amended to read:

20 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
21 available at all times to all minors who are 14 years of age or older and who are  
22 admitted under this subsection for the primary purpose of treatment for mental  
23 illness or developmental disability. The staff of the facility shall assist such minors  
24 in preparing or submitting requests for discharge.

25 **SECTION 1966cm.** 51.13 (3) (b) of the statutes is amended to read:

1           51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
2 inpatient treatment facility for the primary purpose of treatment for mental illness  
3 or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)  
4 1. or 2., and his or her the minor's parent or guardian shall also be informed by the  
5 director or his or her designee, both orally and in writing, in easily understandable  
6 language, of the minor's right to request discharge and to be discharged within 48  
7 hours of the request if no petition or statement is filed for emergency detention,  
8 emergency commitment, involuntary commitment, or protective placement, and the  
9 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

10           **SECTION 1966cn.** 51.13 (3) (c) of the statutes is amended to read:

11           51.13 (3) (c) A minor 14 years of age or older who has been admitted to an  
12 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse,  
13 a minor under 14 years of age who has been admitted to an inpatient treatment  
14 facility for the primary purpose of treatment for mental illness, developmental  
15 disability, alcoholism, or drug abuse, and his or her the minor's parent or guardian  
16 shall also be informed by the director or his or her designee, both orally and in  
17 writing, in easily understandable language, of the right of the parent or guardian to  
18 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to  
19 a hearing to determine continued appropriateness of the admission as provided in  
20 sub. (7) (c).

21           **SECTION 1966cp.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

22           51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
23 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
24 first, the treatment director of the facility to which the minor is admitted or, in the  
25 case of a center for the developmentally disabled, the director of the center, shall file

1 a verified petition for review of the admission in the court assigned to exercise  
2 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A  
3 copy of the application for admission and of any relevant professional evaluations  
4 shall be attached to the petition. The petition shall contain all of the following:

5 **SECTION 1966cr.** 51.13 (4) (c) of the statutes is amended to read:

6 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the  
7 minor and his or her parents or guardian within 5 days of after admission.

8 **SECTION 1966ct.** 51.13 (4) (d) of the statutes is amended to read:

9 51.13 (4) (d) Within 5 days of after the filing of the petition, the court assigned  
10 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
11 allegations of the petition and accompanying documents, ~~whether the admission is~~  
12 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~  
13 there is a prima facie showing that the minor is in need of psychiatric services, or  
14 services for developmental disability, alcoholism, or drug abuse, that the treatment  
15 facility offers inpatient therapy or treatment ~~which~~ that is appropriate to the minor's  
16 needs, and that inpatient care in the treatment facility is the least restrictive therapy  
17 or treatment consistent with the needs of the minor, and, if the minor is 14 years of  
18 age or older and has been admitted to the treatment facility for the primary purpose  
19 of treatment for mental illness or developmental disability, whether the admission  
20 is voluntary on the part of the minor. If such a showing is made, the court shall  
21 permit voluntary admission. If the court is unable to make ~~such~~ those  
22 determinations based on the petition and accompanying documents, ~~it shall~~ the  
23 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information  
24 to be produced as ~~it deems necessary~~ for the court to make ~~such~~ review, and make  
25 ~~such~~ those determinations within 14 days of after admission or application for

1 admission, whichever is sooner; or it ~~may~~ hold a hearing within 14 days of after  
2 admission or application for admission, whichever is sooner. If a notation of the  
3 minor's unwillingness appears on the face of the petition, or if a hearing has been  
4 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall  
5 hold a hearing to review the admission within 14 days of after admission or  
6 application for admission, whichever is sooner, and shall appoint counsel to  
7 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it  
8 necessary, ~~it~~ the court shall also appoint a guardian ad litem to represent the minor.

9 **SECTION 1966cv.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

10 51.13 (4) (g) (intro.) If the court finds that the minor is in need of psychiatric  
11 services or services for developmental disability, alcoholism, or drug abuse in an  
12 inpatient facility, ~~and~~ that the inpatient facility to which the minor is admitted offers  
13 therapy or treatment that is appropriate for the minor's needs and that is the least  
14 restrictive therapy or treatment consistent with the minor's needs, and, in the case  
15 of a minor aged 14 or older who is being admitted for the primary purpose of  
16 treatment for mental illness or developmental disability, that the application is  
17 voluntary on the part of the minor, the court shall permit voluntary admission. If the  
18 court finds that the therapy or treatment in the inpatient facility to which the minor  
19 is admitted is not appropriate or is not the least restrictive therapy or treatment  
20 consistent with the minor's needs, the court may order placement in or transfer to  
21 another more appropriate or less restrictive inpatient facility, except that the court  
22 may not permit or order placement in or transfer to the northern or southern centers  
23 for the developmentally disabled of a minor unless the department gives approval  
24 for the placement or transfer, and if the order of the court is approved by all of the  
25 following if applicable:

1           **SECTION 1966cvv.** 51.13 (4) (g) 1. of the statutes is amended to read:

2           51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted  
3 for the primary purpose of treatment for mental illness or developmental disability.

4           **SECTION 1966cw.** 51.13 (6) (a) of the statutes is amended to read:

5           51.13 (6) (a) A minor may be admitted to an inpatient treatment facility  
6 without review of the application under sub. (4) for diagnosis and evaluation or for  
7 dental, medical, or psychiatric services for a period not to exceed 12 days. The  
8 application for short-term admission of a minor shall be executed by the minor's  
9 parent or guardian, and ~~by the minor if he or she,~~ if the minor is 14 years of age or  
10 older and is being admitted for the primary purpose of diagnosis, evaluation, or  
11 services for mental illness or developmental disability, by the minor. A minor may  
12 not be readmitted to an inpatient treatment facility for psychiatric services under  
13 this paragraph within 120 days of a previous admission under this paragraph.

14           **SECTION 1966cx.** 51.13 (7) (a) of the statutes is amended to read:

15           51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
16 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care  
17 and treatment primarily for mental illness or developmental disability, the director  
18 of the facility shall request the minor and the minor's parent or guardian to execute  
19 an application for voluntary admission. Such an application may be executed within  
20 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
21 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
22 been held within the last 120 days. If the application is not executed by the time of  
23 the minor's 14th birthday, the minor shall be discharged unless a petition or  
24 statement is filed for emergency detention, emergency commitment, involuntary



1 commitment, or protective placement by the end of the next day in which the court  
2 transacts business.

3 **SECTION 1966cy.** 51.13 (7) (b) of the statutes is amended to read:

4 51.13 (7) (b) Any minor 14 years of age or ~~over~~ older who is voluntarily admitted  
5 under this section for the primary purpose of treatment for mental illness or  
6 developmental disability, and any minor who is voluntarily admitted under sub. (1)  
7 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age  
8 or older who is voluntarily admitted under this section for the primary purpose of  
9 treatment for alcoholism or drug abuse or a minor under 14 years of age who is  
10 voluntarily admitted under this section for the primary purpose of treatment for  
11 mental illness, developmental disability, alcoholism, or drug abuse, the parent or  
12 guardian of the minor may make the request. Upon receipt of any form of written  
13 request for discharge from a minor, the director of the facility in which the minor is  
14 admitted shall immediately notify the minor's parent or guardian. The minor shall  
15 be discharged within 48 hours after submission of the request, exclusive of  
16 Saturdays, Sundays, and legal holidays, unless a petition or statement is filed for  
17 emergency detention, emergency commitment, involuntary commitment, or  
18 protective placement.

19 **SECTION 1966cz.** 51.13 (7) (c) of the statutes is amended to read:

20 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
21 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
22 and who is not discharged under par. (b), and any minor under 14 years of age who  
23 is voluntarily admitted under this section for the primary purpose of treatment for  
24 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
25 discharged under par. (b), may submit a written request to the court for a hearing

1 to determine the continued appropriateness of the admission. If the director or staff  
2 of the inpatient treatment facility to which a minor under the age of 14 described in  
3 this paragraph is admitted observes conduct by the minor ~~which~~ that demonstrates  
4 an unwillingness to remain at the facility, including but not limited to a written  
5 expression of opinion or unauthorized absence, the director shall file a written  
6 request with the court to determine the continued appropriateness of the admission.  
7 A request ~~which~~ that is made personally by a minor under this paragraph shall be  
8 signed by the minor but need not be written or composed by ~~him or her~~ the minor.  
9 A request for a hearing under this paragraph ~~which~~ that is received by staff or the  
10 director of the facility in which the child is admitted shall be filed with the court by  
11 the director. The court shall order a hearing upon request if no hearing concerning  
12 the minor's admission has been held within 120 days of after receipt of the request.  
13 The court shall appoint counsel and, if the court ~~deems~~ considers it necessary, a  
14 guardian ad litem to represent the minor and if a hearing is held shall hold the  
15 hearing within 14 days of after the request, unless the parties agree to a longer  
16 period. After the hearing, the court shall make disposition of the matter in the  
17 manner provided in sub. (4).

18 **SECTION 1966r.** 51.22 (2) of the statutes is amended to read:

19 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
20 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
21 s. 51.42 or 51.437 serving the person's county of residence, or through the  
22 department if the person to be admitted is a nonresident of this state. Admissions  
23 through a county department under s. 51.42 or 51.437 shall be made in accordance  
24 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
25 be made in accordance with sub. (3).

1           **SECTION 1967f.** 51.35 (3) (a) of the statutes is amended to read:

2           51.35 (3) (a) A licensed psychologist of a secured correctional facility or, a  
3           secured child caring institution, or a secured group home, or a licensed physician of  
4           the department of corrections, who has reason to believe that any individual confined  
5           in the secured correctional facility, secured child caring institution, or secured group  
6           home is, in his or her opinion, in need of services for developmental disability,  
7           alcoholism, or drug dependency or in need of psychiatric services, and who has  
8           obtained voluntary consent to make a transfer for treatment, shall make a report,  
9           in writing, to the superintendent of the secured correctional facility, secured child  
10          caring institution, or secured group home, stating the nature and basis of the belief  
11          and verifying the consent. In the case of a minor age 14 ~~and over~~ or older who is in  
12          need of services for developmental disability or who is in need of psychiatric services,  
13          the minor and the minor's parent or guardian shall consent unless the minor is  
14          admitted under s. 51.13 (1) (c); ~~and in 1.~~ In the case of a minor age 14 or older who  
15          is in need of services for alcoholism or drug dependency or a minor under the age of  
16          14 who is in need of services for developmental disability, alcoholism, or drug  
17          dependency or in need of psychiatric services, only the minor's parent or guardian  
18          need consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent  
19          shall inform, orally and in writing, the minor and the minor's parent or guardian,  
20          that transfer is being considered and shall inform them of the basis for the request  
21          and their rights as provided in s. 51.13 (3). If the department of corrections, upon  
22          review of a request for transfer, determines that transfer is appropriate, that  
23          department shall immediately notify the department of health and family services  
24          and, if the department of health and family services consents, the department of  
25          corrections may immediately transfer the individual. The department of health and

1 family services shall file a petition under s. 51.13 (4) (a) in the court assigned to  
2 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
3 is located.

4 **SECTION 1967g.** 51.35 (3) (b) of the statutes is amended to read:

5 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
6 shall determine, based on the allegations of the petition and accompanying  
7 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~  
8 ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~  
9 ~~appropriate and consistent with the needs of the minor. In the event that~~ and, if the  
10 minor is 14 years of age or older and is being transferred for the purpose of receiving  
11 services for developmental disability or psychiatric services, whether the transfer is  
12 voluntary on the part of the minor. If the court is unable to make such those  
13 determinations based on the petition and accompanying documents, it shall the  
14 court may order additional information to be produced as it deems necessary to make  
15 such review, and make such those determinations within 14 days ~~of~~ after admission,  
16 or ~~it the court~~ the court may hold a hearing within 14 days ~~of~~ after admission. If a notation  
17 of the minor's unwillingness appears on the face of the petition, or ~~that~~ if a hearing  
18 has been requested by the minor, or by the minor's counsel, guardian ad litem,  
19 parent, or guardian, the court shall hold a hearing and appoint counsel or a guardian  
20 ad litem for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing,  
21 the court shall approve or disapprove the request for transfer. If the minor is under  
22 the continuing jurisdiction of the court of another county, the court may order the  
23 case transferred together with all appropriate records to that court.

24 **SECTION 1967h.** 51.35 (3) (c) of the statutes is amended to read:

1           51.35 (3) (c) A licensed psychologist of a secured correctional facility or, a  
2           secured child caring institution, or a secured group home, or a licensed physician of  
3           the department of corrections, who has reason to believe that any individual confined  
4           in the secured correctional facility, secured child caring institution, or secured group  
5           home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
6           disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally  
7           ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an  
8           alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written  
9           report with the superintendent of the secured correctional facility, secured child  
10          caring institution, or secured group home, stating the nature and basis of the belief.  
11          If the superintendent, upon review of the allegations in the report, determines that  
12          transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
13          in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
14          where the secured correctional facility, secured child caring institution, or secured  
15          group home is located. The court shall hold a hearing according to procedures  
16          provided in s. 51.20 or 51.45 (13).

17           **SECTION 1967i.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act  
18          9, section 1558d, and 2001 Wisconsin Act .... (this act), is repealed and recreated to  
19          read:

20           51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
21          child caring institution, or a secured group home, or a licensed physician of the  
22          department of corrections, who has reason to believe that any individual confined in  
23          the secured correctional facility, secured child caring institution, or secured group  
24          home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
25          disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is

1 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with  
2 the superintendent of the secured correctional facility, secured child caring  
3 institution, or secured group home, stating the nature and basis of the belief. If the  
4 superintendent, upon review of the allegations in the report, determines that  
5 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
6 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
7 secured correctional facility, secured child caring institution, or secured group home  
8 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
9 or 51.45 (13).

10 **SECTION 1967j.** 51.35 (3) (g) of the statutes is amended to read:

11 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
12 facility under par. (a) for the purpose of receiving services for developmental  
13 disability or psychiatric services may request in writing a return to the secured  
14 correctional facility, secured child caring institution, or secured group home. In the  
15 case of a minor 14 years of age or older who is transferred to a treatment facility  
16 under par. (a) for the purpose of receiving services for alcoholism or drug dependency  
17 or a minor under 14 years of age, who is transferred to a treatment facility under par.  
18 (a) for the purpose of receiving services for developmental disability, alcoholism, or  
19 drug dependency, or psychiatric services, the parent or guardian may make the  
20 request. Upon receipt of a request for return from a minor 14 years of age or ~~over~~  
21 older, the director shall immediately notify the minor's parent or guardian. The  
22 minor shall be returned to the secured correctional facility, secured child caring  
23 institution, or secured group home within 48 hours after submission of the request  
24 unless a petition or statement is filed for emergency detention, emergency  
25 commitment, involuntary commitment, or protective placement.

1           **SECTION 1967n.** 51.375 (2) of the statutes is renumbered 51.375 (2) (a).

2           **SECTION 1967p.** 51.375 (2) (b) of the statutes is created to read:

3           51.375 (2) (b) The department may administer a lie detector test to a sex  
4 offender as part of the sex offender’s programming, care, or treatment. A patient may  
5 refuse to submit to a lie detector test under this paragraph. This refusal does not  
6 constitute a general refusal to participate in treatment. A person administering a  
7 lie detector test under this paragraph may not ask the subject of the test any question  
8 that can reasonably be anticipated to elicit information as to whether the subject  
9 committed an offense for which the subject has not been convicted, found not guilty  
10 by reason of mental disease or defect, or adjudicated delinquent. The results of a lie  
11 detector test under this paragraph may be used only in the care, treatment, or  
12 assessment of the subject or in programming for the subject. The results of a test may  
13 be disclosed only to persons employed at the facility at which the subject is placed  
14 who need to know the results for purposes related to care, treatment, or assessment  
15 of the patient, the committing court, the patient’s attorney, or the attorney  
16 representing the state in a proceeding under ch. 980.

17           **SECTION 1968d.** 51.42 (3) (ar) 4m. of the statutes is amended to read:

18           51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other  
19 drug abuse treatment services provided under subd. 4. are insufficient to meet the  
20 needs of all eligible individuals, ensure that first priority for services is given to  
21 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent  
22 and that second priority be given to individuals who are 20 years of age and were  
23 eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but became  
24 ineligible for the program solely because they attained the age of 20.

25           **SECTION 1968dh.** 51.42 (3) (ar) 4p. of the statutes is created to read:

1           51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services  
2 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,  
3 ensure that first priority for services is given to individuals who are 20 years of age  
4 and were eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but  
5 became ineligible for the program solely because they attained the age of 20.

6           **SECTION 1970.** 51.42 (3) (as) 1. of the statutes is amended to read:

7           51.42 (3) (as) 1. A county department of community programs shall authorize  
8 all care of any patient in a state, local or private facility under a contractual  
9 agreement between the county department of community programs and the facility,  
10 unless the county department of community programs governs the facility. The need  
11 for inpatient care shall be determined by the program director or designee in  
12 consultation with and upon the recommendation of a licensed physician trained in  
13 psychiatry and employed by the county department of community programs or its  
14 contract agency. In cases of emergency, a facility under contract with any county  
15 department of community programs shall charge the county department of  
16 community programs having jurisdiction in the county where the patient is found.  
17 The county department of community programs shall reimburse the facility for the  
18 actual cost of all authorized care and services less applicable collections under s.  
19 46.036, unless the department of health and family services determines that a  
20 charge is administratively infeasible, or unless the department of health and family  
21 services, after individual review, determines that the charge is not attributable to the  
22 cost of basic care and services. ~~A~~ Except as provided in subd. 1m., a county  
23 department of community programs may not reimburse any state institution or  
24 receive credit for collections for care received therein by nonresidents of this state,  
25 interstate compact clients, transfers under s. 51.35 (3), and transfers from Wisconsin



1 state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s.  
2 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977  
3 stats., or children placed in the guardianship of the department of health and family  
4 services under s. 48.427 or 48.43 or under the supervision of the department of  
5 corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18)  
6 do not apply to direct and indirect costs which are attributable to care and treatment  
7 of the client.

8 **SECTION 1971.** 51.42 (3) (as) 1m. of the statutes is created to read:

9 51.42 (3) (as) 1m. A county department of community programs shall  
10 reimburse a mental health institute at the institute's daily rate for custody of any  
11 person who is ordered by a court located in that county to be examined at the mental  
12 health institute under s. 971.14 (2) for all days that the person remains in custody  
13 at the mental health institute, beginning 48 hours, not including Saturdays,  
14 Sundays, and legal holidays, after the sheriff and county department receive notice  
15 under s. 971.14 (2) (d) that the examination has been completed.

16 **SECTION 1971L.** 51.421 (3) (e) of the statutes is created to read:

17 51.421 (3) (e) Distribute, from the appropriation under s. 20.435 (7) (bL),  
18 \$1,000,000 in each fiscal year for community support program services.

19 **SECTION 1971p.** 51.423 (1) of the statutes is amended to read:

20 51.423 (1) The department shall fund, within the limits of the department's  
21 allocation for mental health services under s. 20.435 (3) (o) and (7) (b), ~~(kw)~~ and (o)  
22 and subject to this section, services for mental illness, developmental disability,  
23 alcoholism, and drug abuse to meet standards of service quality and accessibility.  
24 The department's primary responsibility is to guarantee that county departments  
25 established under either s. 51.42 or 51.437 receive a reasonably uniform minimum

1 level of funding and its secondary responsibility is to fund programs which meet  
2 exceptional community needs or provide specialized or innovative services. Moneys  
3 appropriated under s. 20.435 (7) (b) and earmarked by the department for mental  
4 health services under s. 20.435 (7) (o) shall be allocated by the department to county  
5 departments under s. 51.42 or 51.437 in the manner set forth in this section.

6 **SECTION 1971r.** 51.423 (2) of the statutes is amended to read:

7 51.423 (2) From the appropriations under s. 20.435 (3) (o) and (7) (b), ~~(kw)~~ and  
8 (o), the department shall distribute the funding for services provided or purchased  
9 by county departments under s. 46.23, 51.42, or 51.437 to such county departments  
10 as provided under s. 46.40. County matching funds are required for the distributions  
11 under s. 46.40 (2) and (9) (b). Each county's required match for the distributions  
12 under s. 46.40 (2) for a year equals 9.89% of the total of the county's distributions  
13 under s. 46.40 (2) for that year for which matching funds are required plus the  
14 amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile  
15 delinquency-related services from its distribution for 1987. Each county's required  
16 match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that  
17 county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds  
18 may be from county tax levies, federal and state revenue sharing funds, or private  
19 donations to the counties that meet the requirements specified in sub. (5). Private  
20 donations may not exceed 25% of the total county match. If the county match is less  
21 than the amount required to generate the full amount of state and federal funds  
22 distributed for this period, the decrease in the amount of state and federal funds  
23 equals the difference between the required and the actual amount of county  
24 matching funds.

25 **SECTION 1972.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

1           51.437 (**4rm**) (c) 2m. Bill the county department of developmental disabilities  
2 services for services provided under s. 51.06 (~~1~~) (1m) (d) to individuals who are  
3 eligible for medical assistance that are not provided by the federal government, using  
4 the procedure established under subd. 1.

5           **SECTION 1973.** 51.437 (14) (i) of the statutes is repealed.

6           **SECTION 1974m.** 51.437 (14p) of the statutes is repealed.

7           **SECTION 1981b.** 51.437 (14r) (a) 2. (intro.) of the statutes is amended to read:

8           51.437 (**14r**) (a) 2. (intro.) Perform the following responsibilities related to the  
9 state plan, for the delivery of services, that is required under 42 USC 6022, including  
10 the construction of facilities:

11          **SECTION 1982r.** 51.44 (3) (c) of the statutes is created to read:

12          51.44 (**3**) (c) No county may contribute less funding for early intervention  
13 services under this section than the county contributed for early intervention  
14 services in 1999, except that, for a county that demonstrated extraordinary effort in  
15 1999, the department may waive this requirement and establish with the county a  
16 lesser required contribution.

17          **SECTION 1982v.** 51.61 (1) (g) 3m. of the statutes is amended to read:

18          51.61 (**1**) (g) 3m. Following a final commitment order for a subject individual  
19 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the  
20 court shall issue an order permitting medication or treatment to be administered to  
21 the individual regardless of his or her consent. ~~This subdivision does not apply after~~  
22 November 30, 2001.

23          **SECTION 1993f.** 51.47 (title) of the statutes is amended to read:

24          **51.47 (title) Alcohol and other drug abuse treatment for minors**  
25 **without parental consent.**

1           **SECTION 1993g.** 51.47 (1) of the statutes is amended to read:

2           51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
3 facility licensed, approved, or certified by the state for the provision of health services  
4 may render preventive, diagnostic, assessment, evaluation, or treatment services for  
5 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
6 obtaining the consent of or notifying the minor's parent or guardian and may render  
7 those services to a minor under 12 years of age without obtaining the consent of or  
8 notifying the minor's parent or guardian, but only if a parent with legal custody or  
9 guardian of the minor under 12 years of age cannot be found or there is no parent with  
10 legal custody of the minor under 12 years of age. An assessment under this  
11 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of  
12 the minor's parent or guardian is required under sub. (2), the physician or health  
13 care facility shall obtain the minor's consent prior to billing a 3rd party for services  
14 under this section. If the minor does not consent, the minor shall be solely  
15 responsible for paying for the services, which the department shall bill to the minor  
16 under s. 46.03 (18) (b).

17           **SECTION 1993h.** 51.48 of the statutes is amended to read:

18           **51.48 Alcohol and other drug testing of minors, assessment, and**  
19 **treatment of minor without minor's consent.** A minor's parent or guardian may  
20 consent to have the minor tested for the presence of alcohol or other drugs in the  
21 minor's body or to have the minor assessed by an approved treatment facility for the  
22 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547  
23 (4). If, based on the assessment, the approved treatment facility determines that the  
24 minor is in need of treatment for the abuse of alcohol or other drugs, the approved  
25 treatment facility shall recommend a plan of treatment that is appropriate for the

1 minor's needs and that provides for the least restrictive form of treatment consistent  
2 with the minor's needs. That treatment may consist of outpatient treatment, day  
3 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient  
4 treatment. The parent or guardian of the minor may consent to the treatment  
5 recommended under this section. Consent of the minor is not required for testing,  
6 assessment, or treatment under this section is not required.

7 **SECTION 1993j.** 51.61 (6) of the statutes is amended to read:

8 51.61 (6) Subject to the rights of patients provided under this chapter, the  
9 department, county departments under s. 51.42 or 51.437, and any agency providing  
10 services under an agreement with the department or those county departments have  
11 the right to use customary and usual treatment techniques and procedures in a  
12 reasonable and appropriate manner in the treatment of patients who are receiving  
13 services under the mental health system, for the purpose of ameliorating the  
14 conditions for which the patients were admitted to the system. The written,  
15 informed consent of any patient shall first be obtained, unless the person has been  
16 found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the  
17 person is a minor 14 years or older who is receiving services for alcoholism or drug  
18 abuse or a minor under 14 years of age who is receiving services for mental illness,  
19 developmental disability, alcoholism, or drug abuse. In the case of a minor, the  
20 written, informed consent of the parent or guardian is required. ~~Except, except~~ as  
21 provided under an order issued under s. 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if,  
22 the minor is 14 years of age or older and is receiving services for mental illness or  
23 developmental disability, the written, informed consent of the minor and the minor's  
24 parent or guardian is required. A refusal of either a minor 14 years of age or older  
25 or the minor's parent or guardian to provide written, informed consent for admission

1 to an approved inpatient treatment facility is reviewable under s. 51.13 (1) (c) 1. and  
2 a refusal of either a minor 14 years of age or older or the minor's parent or guardian  
3 to provide written, informed consent for outpatient mental health treatment is  
4 reviewable under s. 51.14.

5 **SECTION 1994m.** 59.08 (9) of the statutes is amended to read:

6 59.08 (9) The ballot shall have on the back or reverse side the endorsements  
7 provided by law for ballots for general elections and shall be marked, ~~punched or~~  
8 labeled by the elector and counted and canvassed as other ballots cast on questions  
9 in the county are counted and canvassed. The election shall be conducted by the  
10 same officers and in the same manner as are other elections in the county. The  
11 results of the election shall be certified to the judges of the circuit courts for the  
12 counties.

13 **SECTION 1993d.** 51.61 (1) (c) of the statutes is renumbered 51.61 (1) (cm) 1. and  
14 amended to read:

15 51.61 (1) (cm) 1. ~~Have~~ Patients have an unrestricted right to send sealed mail  
16 and receive sealed mail to or from legal counsel, the courts, ~~governmental~~  
17 government officials, private physicians, and licensed psychologists, and have  
18 reasonable access to letter writing materials including postage stamps. A patient  
19 shall also have a right to send sealed mail and receive sealed mail to or from other  
20 persons, subject to physical examination in the patient's presence if there is reason  
21 to believe that such communication contains contraband materials or objects ~~which~~  
22 that threaten the security of patients, prisoners, or staff. Such reasons shall be  
23 written in the individual's treatment record. The officers and staff of a facility may  
24 not read any mail covered by this paragraph subdivision.

25 **SECTION 1993e.** 51.61 (1) (cm) (intro.) of the statutes is created to read:

1           51.61 (1) (cm) Have the rights specified under subd. 1. to send and receive  
2 sealed mail, subject to the limitations specified under subd. 2.

3           **SECTION 1993f.** 51.61 (1) (cm) 2. of the statutes is created to read:

4           51.61 (1) (cm) 2. The rights of a patient detained or committed under ch. 980  
5 to send and receive sealed mail are subject to the following limitations:

6           a. If the mail appears to be from legal counsel, a court, a government official,  
7 or a private physician or licensed psychologist, an officer or staff member of the  
8 facility at which the patient is placed may delay delivery of the mail to the patient  
9 for a reasonable period of time to verify whether the person named as the sender  
10 actually sent the mail; may open the mail in the presence of the patient and inspect  
11 it for contraband; or may, if the officer or staff member cannot determine whether the  
12 mail contains contraband, return the mail to the sender along with notice of the  
13 facility mail policy.

14           b. If the mail appears to be from a person other than a person specified in subd.  
15 2. a., the director of the facility or his or her designee may, in accordance with the  
16 standards and the procedure under sub. (2) for denying a right for cause, authorize  
17 a member of the facility treatment staff to read the mail, if the director or his or her  
18 designee has reason to believe that the mail could pose a threat to security at the  
19 facility or seriously interfere with the treatment, rights, or safety of others.

20           **SECTION 1993g.** 51.61 (1) (i) 1. of the statutes is amended to read:

21           51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from  
22 physical restraint and isolation except for emergency situations or when isolation or  
23 restraint is a part of a treatment program. Isolation or restraint may be used only  
24 when less restrictive measures are ineffective or not feasible and shall be used for  
25 the shortest time possible. When a patient is placed in isolation or restraint, his or

1 her status shall be reviewed once every 30 minutes. Each facility shall have a written  
2 policy covering the use of restraint or isolation ~~which~~ that ensures that the dignity  
3 of the individual is protected, that the safety of the individual is ensured, and that  
4 there is regular, frequent monitoring by trained staff to care for bodily needs as may  
5 be required. Isolation or restraint may be used for emergency situations only when  
6 it is likely that the patient may physically harm himself or herself or others. The  
7 treatment director shall specifically designate physicians who are authorized to  
8 order isolation or restraint, and shall specifically designate licensed psychologists  
9 who are authorized to order isolation. ~~In the instance where~~ If the treatment director  
10 is not a physician, the medical director shall make the designation. In the case of a  
11 center for the developmentally disabled, use shall be authorized by the director of the  
12 center. The authorization for emergency use of isolation or restraint shall be in  
13 writing, except that isolation or restraint may be authorized in emergencies for not  
14 more than one hour, after which time an appropriate order in writing shall be  
15 obtained from the physician or licensed psychologist designated by the director, in  
16 the case of isolation, or the physician so designated in the case of restraint.  
17 Emergency isolation or restraint may not be continued for more than 24 hours  
18 without a new written order. Isolation may be used as part of a treatment program  
19 if it is part of a written treatment plan, and the rights specified in this subsection are  
20 provided to the patient. The use of isolation as a part of a treatment plan shall be  
21 explained to the patient and to his or her guardian, if any, by the person who  
22 ~~undertakes such~~ provides the treatment. ~~Such~~ A treatment plan that incorporates  
23 isolation shall be evaluated at least once every 2 weeks. Patients who have a recent  
24 history of physical aggression may be restrained during transport to or from the  
25 facility. Persons who are committed or transferred under s. 51.35 (3) or 51.37 or



1 under ch. 971 or 975, or who are detained or committed under ch. 980, and who, while  
2 under this status, are transferred to a hospital, as defined in s. 50.33 (2), for medical  
3 care may be isolated for security reasons within locked facilities in the hospital.  
4 Patients who are committed or transferred under s. 51.35 (3) or 51.37 or under ch.  
5 971 or 975, or who are detained or committed under ch. 980, may be restrained for  
6 security reasons during transport to or from the facility.

7 **SECTION 1993h.** 51.61 (1) (i) 2. of the statutes is amended to read:

8 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota Mental  
9 Health Institute may be locked in their rooms during the night shift and for a period  
10 of no longer than one hour and 30 minutes during each change of shift by staff to  
11 permit staff review of patient needs. Patients detained or committed under ch. 980  
12 and placed in a facility specified under s. 980.065 may be locked in their rooms during  
13 the night shift, if they reside in a maximum or medium security unit in which each  
14 room is equipped with a toilet and sink, or if they reside in a unit in which each room  
15 is not equipped with a toilet and sink and the number of patients outside their rooms  
16 equals or exceeds the number of toilets in the unit, except that patients who do not  
17 have toilets in their rooms must be given an opportunity to use a toilet at least once  
18 every hour, or more frequently if medically indicated. Patients in the maximum  
19 security facility at the Mendota Mental Health Institute, or patients detained or  
20 committed under ch. 980 and placed in a facility specified under s. 980.065, may also  
21 be locked in their rooms on a unit-wide or facility-wide basis as an emergency  
22 measure as needed for security purposes to deal with an escape or attempted escape,  
23 the discovery of a dangerous weapon in the unit or facility or the receipt of reliable  
24 information that a dangerous weapon is in the unit or facility, or to prevent or control  
25 a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation

1 order may only be authorized by the director of the unit or ~~maximum security~~ facility  
2 where the order is applicable or his or her designee ~~and shall~~. A unit-wide or  
3 facility-wide emergency isolation order affecting the Mendota Mental Health  
4 Institute must be approved within one hour after it is authorized by the director of  
5 the Mendota ~~mental health facility~~ Mental Health Institute or the director's  
6 designee. An emergency order for unit-wide or facility-wide isolation may only be  
7 in effect for the period of time needed to preserve order while dealing with the  
8 situation and may not be used as a substitute for adequate staffing. During a period  
9 of unit-wide or facility-wide isolation, the status of each patient shall be reviewed  
10 every 30 minutes to ensure the safety and comfort of the patient, and each patient  
11 who is locked in a room without a toilet shall be given an opportunity to use a toilet  
12 at least once every hour, or more frequently if medically indicated. Each unit in the  
13 maximum security facility at the Mendota Mental Health Institute and each unit in  
14 a facility specified under s. 980.065 shall have a written policy covering the use of  
15 isolation ~~which that~~ ensures that the dignity of the individual is protected, that the  
16 safety of the individual is secured, and that there is regular, frequent monitoring by  
17 trained staff to care for bodily needs as may be required. ~~Each policy~~ The isolation  
18 policies shall be reviewed and approved by the director of the Mendota Mental  
19 Health Institute or the director's designee, or by the director of the facility specified  
20 under s. 980.065 or his or her designee, whichever is applicable.

21 **SECTION 1993i.** 51.61 (1) (o) of the statutes is amended to read:

22 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or  
23 taped, unless the patient signs an informed and voluntary consent ~~which that~~  
24 specifically authorizes a named individual or group to film or tape the patient for a  
25 particular purpose or project during a specified time period. The patient may specify

1 in such consent periods during which, or situations in which, the patient may not be  
2 filmed or taped. If a patient is legally incompetent, such consent shall be granted on  
3 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the  
4 Mendota Mental Health Institute, or a patient detained or committed under ch. 980  
5 and placed in a facility specified under s. 980.065, may be filmed or taped for security  
6 purposes without the patient's consent, except that such a patient may not be filmed  
7 in patient bedrooms or bathrooms for any purpose without the patient's consent.

8 **SECTION 1985m.** 59.01 of the statutes is amended to read:

9 **59.01 Body corporate; status.** Each county in this state is a body corporate,  
10 authorized to sue and be sued, to acquire and hold, lease or rent real and personal  
11 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease  
12 and convey the same, including the authority to enter into leases or contracts with  
13 the state for a period of years for the uses and purposes specified in ~~s. ss.~~ ss. 23.09 (2)  
14 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary  
15 and proper to the exercise of the powers and privileges granted and the performance  
16 of the legal duties charged upon it.

17 **SECTION 1996.** 59.25 (3) (f) 2. of the statutes is amended to read:

18 59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be  
19 deposited in the state treasury, the amounts required by s. 757.05 for the penalty  
20 assessment surcharge, the amounts required by s. 165.755 for the crime laboratories  
21 and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the  
22 weapons assessment, the amounts required by s. 973.045 for the crime victim and  
23 witness assistance surcharge, the amounts required by s. 938.34 (8d) for the  
24 delinquency victim and witness assistance surcharge, the amounts required by s.  
25 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by

1 s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts  
2 required by s. 100.261 for the consumer ~~information~~ protection assessment, the  
3 amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the  
4 domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the  
5 enforcement assessment under the supplemental food program for women, infants  
6 and children, the amounts required by s. 349.04 for the truck driver education  
7 assessment, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the  
8 railroad crossing improvement assessment, the amounts required by s. 346.655 (2)  
9 (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85  
10 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the  
11 environmental assessment, the amounts required by s. 29.983 for the wild animal  
12 protection assessment, the amounts required by s. 29.987 for the natural resources  
13 assessment surcharge, the amounts required by s. 29.985 for the fishing shelter  
14 removal assessment, the amounts required by s. 350.115 for the snowmobile  
15 registration restitution payment, and the amounts required by s. 29.989 for natural  
16 resources restitution payments, transmit to the state treasurer a statement of all  
17 moneys required by law to be paid on the actions entered during the preceding month  
18 on or before the first day of the next succeeding month, certified by the county  
19 treasurer's personal signature affixed or attached thereto, and at the same time pay  
20 to the state treasurer the amount thereof.

21 **SECTION 1996f.** 59.25 (3) (j) of the statutes is renumbered 59.25 (3) (j) 1. and  
22 amended to read:

23 59.25 (3) (j) 1. Retain 10% for fees in receiving and paying into the state  
24 treasury all money received by the treasurer for the state for fines and penalties,  
25 ~~except that 50% of the state forfeitures, fines and penalties under chs. 341 to 347, 349~~

1 ~~and 351 shall be retained as fees as provided in subd. 2.,~~ and retain the other fees  
2 for receiving and paying money into the state treasury that are prescribed by law.

3 **SECTION 1996h.** 59.25 (3) (j) 2. of the statutes is created to read:

4 59.25 (3) (j) 2. Retain 50% as fees for receiving and paying into the state  
5 treasury all money received by the treasurer for the state for state forfeitures, fines,  
6 and penalties under chs. 341 to 347, 349, and 351, unless, during that state fiscal  
7 year, the treasurer has already retained under this subdivision an amount equal to  
8 the amount that the treasurer retained under s. 59.25 (3) (j), 1999 stats., as fees from  
9 state forfeitures, fines, and penalties under chs. 341 to 347, 349, and 351 in the  
10 2000–01 state fiscal year.

11 **SECTION 1996j.** 59.25 (3) (jm) of the statutes is created to read:

12 59.25 (3) (jm) Forward to the state treasurer all money received by the  
13 treasurer for the state for state forfeitures, fines, and penalties under chs. 341 to 347,  
14 349, and 351 if, during that state fiscal year, the treasurer has already retained  
15 under par. (j) 2. an amount equal to the amount that the treasurer retained under  
16 s. 59.25 (3) (j), 1999 stats., as fees from state forfeitures, fines, and penalties under  
17 chs. 341 to 347, 349, and 351 in the 2000–01 state fiscal year. The state treasurer  
18 shall deposit 50% of the amounts received under this paragraph in the general fund  
19 and shall credit them to the appropriation account under s. 20.475 (1) (g).

20 **SECTION 1996m.** 59.34 (1) (a) of the statutes is amended to read:

21 59.34 (1) (a) Participate in inquest proceedings when required by law, except  
22 that in any county with a population of 500,000 or more and all counties ~~which~~ that  
23 have instituted the medical examiner system this duty and the powers incident  
24 thereto shall be vested exclusively in the office of the medical examiner. Except as  
25 provided under s. 59.38 (5), the board shall appoint the medical examiner. The office

1 may be occupied on a full-time or part-time basis, and the officeholder shall be paid  
2 compensation as the board by ordinance provides. The duties performed by the  
3 county coroner and not vested in the medical examiner shall be performed by the  
4 clerk. The medical examiner may appoint such assistants as the board authorizes.  
5 Whenever requested by the court, attorney general, or district attorney, the medical  
6 examiner shall testify to facts and conclusions disclosed by autopsies performed by  
7 him or her, at his or her direction or in his or her presence; shall make physical  
8 examinations and tests incident to any matter of a criminal nature up for  
9 consideration before either the court, attorney general, or district attorney upon  
10 request; shall testify as an expert for either the court or the state in all matters where  
11 the examinations or tests have been made; and shall perform such other duties of a  
12 pathological or medicolegal nature as may be required.

13 **SECTION 1997.** 59.40 (2) (m) of the statutes is amended to read:

14 59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state's  
15 percentage of the fees required to be paid on each civil action, criminal action and  
16 special proceeding filed during the preceding month and pay monthly to the  
17 treasurer for the use of the state the percentage of court imposed fines and forfeitures  
18 required by law to be deposited in the state treasury, the amounts required by s.  
19 757.05 for the penalty assessment surcharge, the amounts required by s. 165.755 for  
20 the crime laboratories and drug law enforcement assessment, the amounts required  
21 by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for  
22 the crime victim and witness assistance surcharge, the amounts required by s.  
23 938.34 (8d) for the delinquency victim and witness assistance surcharge, the  
24 amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the  
25 amounts required by s. 961.41 (5) for the drug abuse program improvement

1 surcharge, the amounts required by s. 100.261 for the consumer ~~information~~  
2 protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required  
3 by s. 973.055 for the domestic abuse assessment surcharge, the amounts required by  
4 s. 253.06 (4) (c) for the enforcement assessment under the supplemental food  
5 program for women, infants and children, the amounts required by s. 349.04 for the  
6 truck driver education assessment, the amounts required by ss. 346.177, 346.495  
7 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts  
8 required by s. 346.655 for the driver improvement surcharge, the amounts required  
9 by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s.  
10 299.93 for the environmental assessment, the amounts required under s. 29.983 for  
11 the wild animal protection assessment, the amounts required under s. 29.987 (1) (d)  
12 for the natural resources assessment surcharge, the amounts required by s. 29.985  
13 for the fishing shelter removal assessment, the amounts required by s. 350.115 for  
14 the snowmobile registration restitution payment, and the amounts required under  
15 s. 29.989 (1) (d) for the natural resources restitution payments. The payments shall  
16 be made by the 15th day of the month following receipt thereof.

17 **SECTION 1999m.** 59.43 (2) (ag) 1. of the statutes is amended to read:

18 59.43 (2) (ag) 1. ~~After June 30, 1991, and subject~~ Subject to s. 59.72 (5), for  
19 recording any instrument entitled to be recorded in the office of the register of deeds,  
20 \$10 ~~\$11~~ for the first page and \$2 for each additional page, except that no fee may be  
21 collected for recording a change of address that is exempt from a filing fee under s.  
22 185.83 (1) (b).

23 **SECTION 1999n.** 59.43 (2) (ag) 1. of the statutes, as affected by 2001 Wisconsin  
24 Act .... (this act), is amended to read:

1           59.43 (2) (ag) 1. ~~Subject to s. 59.72 (5), for~~ For recording any instrument  
2 entitled to be recorded in the office of the register of deeds, \$11 for the first page and  
3 \$2 for each additional page, except that no fee may be collected for recording a change  
4 of address that is exempt from a filing fee under s. 185.83 (1) (b).

5           **SECTION 2000.** 59.43 (2) (b) of the statutes is amended to read:

6           59.43 (2) (b) For copies of any records or papers, \$2 for the first page plus \$1  
7 for each additional page, plus ~~25-cents~~ \$1 for the certificate of the register of deeds,  
8 except that the department of revenue is exempt from the fees under this paragraph.

9           **SECTION 2001m.** 59.43 (2) (e) of the statutes is amended to read:

10          59.43 (2) (e) ~~After June 30, 1991, and subject~~ Subject to s. 59.72 (5), for filing  
11 any instrument which is entitled to be filed in the office of register of deeds and for  
12 which no other specific fee is specified, ~~\$10~~ \$11 for the first page and \$2 for each  
13 additional page.

14          **SECTION 2001n.** 59.43 (2) (e) of the statutes, as affected by 2001 Wisconsin Act  
15 .... (this act), is amended to read:

16          59.43 (2) (e) ~~Subject to s. 59.72 (5), for~~ For filing any instrument which is  
17 entitled to be filed in the office of register of deeds and for which no other specific fee  
18 is specified, \$11 for the first page and \$2 for each additional page.

19          ~~**SECTION 2001nm.** 59.52 (6) (a) of the statutes is amended to read:~~

20          ~~59.52 (6) (a) *How acquired; purposes.* Take and hold land acquired under ch.~~  
21 ~~75 and acquire, lease or rent property, real and personal, for public uses or purposes~~  
22 ~~of any nature, including without limitation acquisitions for county buildings,~~  
23 ~~airports, parks, recreation, highways, dam sites in parks, parkways and~~  
24 ~~playgrounds, flowages, sewage and waste disposal for county institutions, lime pits~~  
25 ~~for operation under s. 59.70 (24), equipment for clearing and draining land and~~

(E)

(F)