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1           **906.** Page 573, line 14: after “and,” insert “A grant recipient under this  
2 section may include only a nonprofit, tax-exempt corporation, as defined in s. 49.134  
3 (1) (c), or a county.”

4           √**907.** Page 574, line 4: after that line insert:

5           “**SECTION 1563d.** 46.56 (3) (b) 6. of the statutes is amended to read:

6           46.56 (3) (b) 6. Representatives of the county health department, ~~as defined in~~  
7 ~~s. 251.01 (2)~~ established under s. 251.02 (1) or city-county health department  
8 established under s. 251.02 (1m).”

9           √**908.** Page 574, line 4: after that line insert:

10          “**SECTION 1568c.** 46.766 of the statutes is created to read:

11          **46.766 Food pantry grants.** (1) In this section:

12          (a) “Nonprofit organization” means an organization described in section 501 (c)  
13 of the Internal Revenue Code.

14          (b) “Rural” means outside a metropolitan statistical area specified under 42  
15 CFR 412.62 (ii) (A) or within a metropolitan statistical area but isolated from an  
16 urban center.

17          (2) (a) From the appropriation under s. 20.435 (3) (fp), the department shall  
18 provide annual grants to food pantries that meet the eligibility requirements under  
19 sub. (4). The amount of each grant awarded to a food pantry shall be in proportion  
20 to the number of persons served by the food pantry.

21          (b) The department shall allocate 25% of the amounts appropriated under s.  
22 20.435 (3) (fp) for grants to rural food pantries. The department shall allocate the  
23 remainder of the amounts available for grants under s. 20.435 (3) (fp) for grants to  
24 all food pantries. If, after awarding the grants to rural food pantries, any of the

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1 moneys remain unallocated, the department shall distribute the unallocated  
2 amounts for grants to all food pantries in proportion to the number of persons served  
3 by those food pantries.

4 (c) The total amount of all grants awarded annually to each food pantry under  
5 this section may not exceed \$15,000.

6 (3) Grants awarded under this section may be used for any of the following  
7 purposes:

8 (a) The purchase, storage, transportation, coordination, or distribution of food  
9 to needy households.

10 (b) The administration of emergency food distribution.

11 (c) The purchase of capital equipment.

12 (d) Programs designed to increase food availability to needy households or  
13 enhance food security.

14 (e) Nutrition education and outreach.

15 (f) Technical assistance related to food pantry management.

16 (4) A food pantry is eligible for a grant under this section if the food pantry  
17 meets all of the following requirements:

18 (a) The food pantry applies for a grant on an application developed by the  
19 department. The application may not exceed one page.

20 (b) The food pantry is a nonprofit organization or is affiliated with a nonprofit  
21 organization.

22 (c) The food pantry distributes food packages directly, without charge, to needy  
23 households.

24 (d) The food pantry is open to the general public in its service area.

1 (e) The food pantry does not base food distribution on any criteria other than  
2 need of the recipient, except to the extent necessary for the orderly and fair  
3 distribution of food.

4 (f) The food pantry has a permanent address, regular hours of operation, and  
5 is open at least one day per month.

6 (g) The food pantry adheres to the U.S. department of agriculture food safety  
7 and food storage standards.

8 (5) The department may not use more than 5% of the total amount  
9 appropriated under s. 20.435 (3) (fp) for administration of the grant program under  
10 this section.

11 (6) A food pantry that receives a grant under this section shall, not later than  
12 60 days after the end of the grant period, submit a report, not longer than 3 pages,  
13 to the department in the manner prescribed by the department, that describes how  
14 the grant money was used by the food pantry. The department shall compile the  
15 reports and submit the compiled reports to the legislature under s. 13.172 (2).”.

16 ✓ **909.** Page 574, line 4: after that line insert:

17 “SECTION 1568b. 46.858 of the statutes is created to read:

18 **46.858 Publicity for Alzheimer’s disease registration program.** (1) In  
19 this section, “Alzheimer’s disease” has the meaning given in s. 46.87 (1) (a).

20 (2) From the appropriation under s. 20.435 (6) (a), the department shall engage  
21 in activities to publicize the existence of a program administered by a  
22 nongovernmental entity that registers persons with Alzheimer’s disease or other  
23 related dementias in a national database and provides the persons identification  
24 products in order to facilitate the safe return to caregivers of persons who have

1 Alzheimer's disease or other related dementias and who have become lost or have  
2 wandered.”.

3 ✓ **910.** Page 574, line 18: after that line insert:

4 “SECTION 1568mg. 46.87 (5) (a) 3. of the statutes is amended to read:

5 46.87 (5) (a) 3. The household meets financial eligibility requirements specified  
6 by the department by rule, and persons in the household are ineligible for the family  
7 care benefit under s. 46.286 in a county in which a care management organization  
8 under s. 46.284 operates.

9 SECTION 1568mh. 46.87 (5) (b) of the statutes is amended to read:

10 46.87 (5) (b) Provide or contract for the provision of services and goods or make  
11 payments for services to ~~persons~~ a person with Alzheimer's disease living in a  
12 residential facilities facility in the county who ~~meet~~ meets financial eligibility  
13 requirements specified by the department by rule and is ineligible for the family care  
14 benefit under s. 46.286 in a county in which a care management organization under  
15 s. 46.284 operates.”.

16 ✓ **911.** Page 576, line 21: after that line insert:

17 “SECTION 1578. 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.)  
18 and amended to read:

19 48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his  
20 or her home shall also describe include all of the following:

21 1. A description of any efforts that were made to permit the child to remain  
22 safely at home and the services that are needed to ensure the child's well-being, to  
23 enable the child to return safely to his or her home, and to involve the parents in  
24 planning for the child.

1           **SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

2           48.21 (5) (b) 2. If the child is held in custody outside the home in a placement  
3 recommended by the intake worker, a statement that the court approves the  
4 placement recommended by the intake worker or, if the child is placed outside the  
5 home in a placement other than a placement recommended by the intake worker, a  
6 statement that the court has given bona fide consideration to the recommendations  
7 made by the intake worker and all parties relating to the placement of the child.”.

8           **912.** Page 576, line 21: after that line insert:

9           **“SECTION 1577g.** 48.02 (15) of the statutes is amended to read:

10           48.02 (15) “Relative” means a parent, grandparent, greatgrandparent,  
11 stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt. This  
12 relationship shall be by blood, marriage, or adoption.”.

13           **913.** Page 576, line 24: after that line insert:

14           **“SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

15           48.355 (2) (b) 6m. If the child is placed outside the home in a placement  
16 recommended by the agency designated under s. 48.33 (1), a statement that the court  
17 approves the placement recommended by the agency or, if the child is placed outside  
18 the home in a placement other than a placement recommended by that agency, a  
19 statement that the court has given bona fide consideration to the recommendations  
20 made by the agency and all parties relating to the child’s placement.

21           **SECTION 1584.** 48.357 (2v) of the statutes is created to read:

22           48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in  
23 placement would place the child outside the home in a placement recommended by  
24 the person or agency primarily responsible for implementing the dispositional order,

1 the change in placement order shall include a statement that the court approves the  
2 placement recommended by that person or agency or, if the child is placed outside the  
3 home in a placement other than a placement recommended by that person or agency,  
4 a statement that the court has given bona fide consideration to the recommendations  
5 made by that person or agency and all parties relating to the child's placement.”.

6 ✓ **914.** Page 576, line 25: delete that line.

7 ✓ **915.** Page 577, line 1: delete lines 1 to 12 and substitute:

8 “**SECTION 1585d.** 48.366 (8) of the statutes is amended to read:

9 48.366 (8) **TRANSFER TO OR BETWEEN FACILITIES.** The department of corrections  
10 may transfer a person subject to an order between secured correctional facilities.  
11 After the person attains the age of 17 years, the department of corrections may place  
12 the person in a state prison named in s. 302.01, except that the department of  
13 corrections may not place any person under the age of 18 years in the correctional  
14 institution authorized in s. 301.16 (1n). If the person is 15 years of age or over, the  
15 department of corrections may transfer the person to the Racine youthful offender  
16 correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the  
17 department of corrections places a person subject to an order under this section in  
18 a state prison, that department shall provide services for that person from the  
19 appropriate appropriation under s. 20.410 (1). The department of corrections may  
20 transfer a person placed in a state prison under this subsection to or between state  
21 prisons named in s. 302.01 without petitioning for revision of the order under sub.  
22 (5) (a), except that the department of corrections may not transfer any person under  
23 the age of 18 years to the correctional institution authorized in s. 301.16 (1n).”.

24 ✓ **916.** Page 583, line 2: after that line insert:

1           “SECTION 1636d. 48.67 of the statutes is amended to read:

2           **48.67 Rules governing child welfare agencies, day care centers, foster**  
3 **homes, treatment foster homes, group homes, shelter care facilities and**  
4 **county departments.** The department shall promulgate rules establishing  
5 minimum requirements for the issuance of licenses to, and establishing standards  
6 for the operation of, child welfare agencies, day care centers, foster homes, treatment  
7 foster homes, group homes, shelter care facilities, and county departments. These  
8 rules shall be designed to protect and promote the health, safety, and welfare of the  
9 children in the care of all licensees. The department shall consult with the  
10 department of commerce and the department of public instruction before  
11 promulgating these rules. In establishing the minimum requirements for the  
12 issuance of licenses to day care centers that provide care and supervision for children  
13 under one year of age, the department shall include a requirement that all licensees  
14 who are individuals and all employees and volunteers of a licensee who provide care  
15 and supervision for children receive, before the date on which the license is issued  
16 or the employment or volunteer work commences, whichever is applicable, training  
17 in the most current medically accepted methods of preventing sudden infant death  
18 syndrome.”

19           √**917.** Page 583, line 2: after that line insert:

20           “SECTION 1651g. 48.981 (1) (am) 1. of the statutes is amended to read:

21           48.981 (1) (am) 1. The child’s parent, grandparent, greatgrandparent,  
22 stepparent, brother, sister, stepbrother, stepsister, half brother, or half sister.

23           SECTION 1651h. 48.981 (1) (fm) of the statutes is amended to read:

1           48.981 (1) (fm) “Relative” means a parent, grandparent, greatgrandparent,  
2           stepparent, brother, sister, first cousin, 2nd cousin, nephew, niece, uncle, aunt,  
3           stepgrandparent, stepbrother, stepsister, half brother, half sister, brother-in-law,  
4           sister-in-law, stepuncle, or steppaunt.”.

5           √ **918.** Page 586, line 13: after that line insert:

6           “**SECTION 1656h.** 48.985 (5) of the statutes is created to read:

7           48.985 (5) MILWAUKEE CHILD WELFARE AIDS. Of the amounts received under 42  
8           USC 620 to 626 and credited to the appropriation account under s. 20.435 (3) (nL),  
9           the department shall transfer \$58,600 in fiscal year 2001–02 and \$66,800 in fiscal  
10          year 2002–03 to the appropriation account under s. 20.435 (3) (kw) and shall expend  
11          those moneys to provide services to children and families under s. 48.48 (17).”.

12          √ **919.** Page 586, line 13: after that line insert:

13          “**SECTION 1656d.** 49.027 (2) (a) (intro.) of the statutes is amended to read:

14          49.027 (2) (a) (intro.) If a county is eligible to receive a relief block grant in a  
15          year, the department shall pay to the county, in accordance with s. 49.031 and subject  
16          to par. (c), from the appropriation under s. 20.435 (4) (bt), an amount for that year  
17          determined as follows:

18          **SECTION 1656dd.** 49.027 (2) (a) 1. of the statutes is repealed.

19          **SECTION 1656dg.** 49.027 (2) (a) 3. of the statutes is repealed.

20          **SECTION 1656di.** 49.027 (2) (a) 4. of the statutes is amended to read:

21          49.027 (2) (a) 4. From the amount determined under subd. ~~3~~ 2, the department  
22          shall subtract amounts paid to hospitals in that county under s. 49.45 (6y) and (6z)  
23          for that calendar year.

24          **SECTION 1656dL.** 49.027 (2) (c) of the statutes is created to read:



1           49.027 (2) (c) If sufficient funds are not available to pay all of the relief block  
2 grants calculated under par. (a), the department shall prorate the available funds  
3 among the eligible counties in proportion to the amounts calculated under par. (a).”.

4           √ **920.** Page 586, line 14: delete “**SECTION 1656tym**” and substitute “**SECTION**  
5 **1656sy**”.

6           √ **921.** Page 596, line 2: delete “**TRANSFER OF FUNDING ALLOCATIONS PROHIBITED.**”  
7 and substitute “**CONTRACT PROHIBITIONS. (a)**”.

8           √ **922.** Page 596, line 6: delete “(a)” and substitute “1.”.

9           √ **923.** Page 596, line 7: after that line insert:

10           “(b) No Wisconsin works agency may expend moneys that are provided under  
11 a contract under sub. (1) to conduct public relations activities unless the public  
12 relations activities are directly related to providing community outreach and  
13 informing participants about the services available under Wisconsin works.”.

14           √ **924.** Page 596, line 7: delete “(b)” and substitute “2.”.

15           √ **925.** Page 597, line 3: after that line insert:

16           “**SECTION 1660hb.** 49.145 (3) (b) 1. of the statutes is amended to read:

17           49.145 (3) (b) 1. All earned and unearned income of the individual, except any  
18 amount received under section 32 of the ~~internal revenue code~~ Internal Revenue  
19 Code, as defined in s. 71.01 (6), any amount received under s. 71.07 (9e), any payment  
20 made by an employer under section 3507 of the ~~internal revenue code~~ Internal  
21 Revenue Code, as defined in s. 71.01 (6), any student financial aid received under any  
22 federal or state program, any scholarship used for tuition and books, and any  
23 assistance received under s. 49.148. In determining the earned and unearned

1 income of the individual, the Wisconsin works agency may not include income earned  
2 by a dependent child of the individual.

3 **SECTION 1660jk.** 49.147 (4) (am) of the statutes is amended to read:

4 49.147 (4) (am) *Education or training activities.* A participant under this  
5 subsection may be required to participate in education and training activities  
6 assigned as part of an employability plan developed by the Wisconsin works agency.  
7 The department shall establish by rule permissible education and training under  
8 this paragraph, which shall include a course of study meeting the standards  
9 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
10 school graduation, technical college courses, employer-sponsored training, and  
11 educational courses that provide an employment skill. Permissible education under  
12 this paragraph shall also include English as a 2nd language courses that the  
13 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
14 employment and adult basic education courses that the Wisconsin works agency  
15 determines would facilitate an individual's efforts to obtain employment.

16 **SECTION 1660jv.** 49.147 (5) (bm) of the statutes is amended to read:

17 49.147 (5) (bm) *Education or training activities.* A participant under this  
18 subsection may be required to participate in education and training activities  
19 assigned as part of an employability plan developed by the Wisconsin works agency.  
20 The department shall establish by rule permissible education and training under  
21 this paragraph, which shall include a course of study meeting the standards  
22 established under s. 115.29 (4) for the granting of a declaration of equivalency of high  
23 school graduation, technical college courses, employer-sponsored training, and  
24 educational courses that provide an employment skill. Permissible education under  
25 this paragraph shall also include English as a 2nd language courses that the

1 Wisconsin works agency determines would facilitate an individual's efforts to obtain  
2 employment and adult basic education courses that the Wisconsin works agency  
3 determines would facilitate an individual's efforts to obtain employment.”.

4 √ **926.** Page 597, line 3: after that line insert:

5 “SECTION 1660p. 49.1473 of the statutes is created to read:

6 **49.1473 Wisconsin works; domestic abuse screening and training. (1)**

7 (a) The department shall promulgate rules for screening victims of domestic abuse  
8 and for the training of Wisconsin works agency employees in domestic abuse issues.

9 The rules shall allow an individual to voluntarily and confidentially disclose that he  
10 or she is or has been a victim of domestic abuse or is at risk of further domestic abuse.

11 The rules shall also specify the evidence that is sufficient to establish that an  
12 individual is or has been a victim of domestic abuse or is at risk of further domestic  
13 abuse.

14 (b) Each Wisconsin works agency shall establish procedures, in accordance  
15 with the rules promulgated by the department under par. (a), for screening victims  
16 of domestic abuse.

17 (2) If a Wisconsin works agency employee identifies an individual as a past or  
18 present victim of domestic abuse or determines that the individual is at risk of  
19 domestic abuse or if the individual identifies himself or herself as a past or present  
20 victim of domestic abuse or as an individual who is at risk of further abuse, the  
21 Wisconsin works agency shall provide the individual with information on  
22 community-based domestic abuse services, including information on shelters or  
23 programs for battered individuals, sexual assault provider services, medical  
24 services, sexual assault nurse examiners services, domestic violence and sexual

1 assault hotlines, legal and medical counseling and advocacy, mental health care,  
2 counseling, and support groups. The Wisconsin works agency shall provide the  
3 information to the individual orally and in writing in accordance with guidelines  
4 developed by the department. The Wisconsin works agency shall also provide  
5 referrals for community-based counseling and supportive service providers to the  
6 individual if the individual elects to receive the services.”.

7 **927.** Page 597, line 6: after that line insert:

8 “**SECTION 1660y.** 49.155 (1d) (a) of the statutes is amended to read:

9 49.155 (1d) (a) The department shall promulgate rules establishing standards  
10 for the certification of child care providers under s. 48.651. In establishing the  
11 requirements for certification under this paragraph of a child care provider who  
12 provides care and supervision for children under one year of age, the department  
13 shall include a requirement that all providers and all employees and volunteers of  
14 a provider who provide care and supervision for children receive, before the date on  
15 which the provider is certified or the employment or volunteer work commences,  
16 whichever is applicable, training in the most current medically accepted methods of  
17 preventing sudden infant death syndrome. In establishing the requirements for  
18 certification as a Level II certified family day care provider, the department may not  
19 include ~~a~~ any other requirement for training for providers.”.

20 **928.** Page 601, line 2: after that line insert:

21 “**SECTION 1676n.** 49.173 (title) of the statutes is amended to read:

22 **49.173 (title) Workforce attachment and advancement program.”.**

23 **929.** Page 601, line 5: delete “(br),” and substitute “~~(br)~~”.

24 **930.** Page 602, line 6: delete lines 6 to 22 and substitute:

1           “SECTION 1682bc. 49.175 (1) (d) of the statutes is repealed and recreated to  
2 read:

3           49.175 (1) (d) *Community reinvestment*. 1. ‘Contracts for 1997 to 1999’. For  
4 the payment of community reinvestment funds that are earned as part of contracts  
5 entered into under s. 49.143 having a term that begins on September 1, 1997, and  
6 ends on December 31, 1999, \$20,849,000 in fiscal year 2001–02.

7           2. ‘Contracts for 2000 and 2001.’ For the payment of community reinvestment  
8 funds that are earned as part of contracts entered into under s. 49.143 having a term  
9 that begins on January 1, 2000, and ends on December 31, 2001, \$2,769,900 in fiscal  
10 year 2001–02 and \$5,539,700 in fiscal year 2002–03.

11           SECTION 1682cd. 49.175 (1) (d) 1. of the statutes, as affected by 2001 Wisconsin  
12 Act ... (this act), is repealed.

13           SECTION 1682ce. 49.175 (1) (d) 2. (title) of the statutes, as affected by 2001  
14 Wisconsin Act ... (this act), is repealed.

15           SECTION 1682cf. 49.175 (1) (d) 2. of the statutes, as affected by 2001 Wisconsin  
16 Act ... (this act), is renumbered 49.175 (1) (d).”.

17           √ 931. Page 603, line 6: delete “\$24,767,500” and substitute “\$24,680,700”.

18           √ 932. Page 603, line 7: delete “\$24,780,000” and substitute “\$24,693,200”.

19           √ 933. Page 603, line 19: delete lines 19 to 21.

20           √ 934. Page 604, line 14: delete “\$11,145,900” and substitute “\$11,395,900”.

21           √ 935. Page 604, line 14: delete “\$2,500,000” and substitute “\$2,750,000”.

22           √ 936. Page 604, line 19: after “*attachment*” insert “*and advancement*  
23 *program*”.

24           √ 937. Page 604, line 21: delete “\$5,000,000” and substitute “\$7,842,200”.

1       √ **938.** Page 605, line 1: delete the material beginning with “under” and ending  
2 with “49.157,” on line 2 and substitute “under s. 49.157.”

3       √ **939.** Page 605, line 2: delete “\$1,000,000” and substitute “for individuals who  
4 are eligible to receive temporary assistance for needy families under 42 USC 601 et.  
5 seq., \$900,000 in each fiscal year”

6       √ **940.** Page 607, line 6: delete “\$83,200 in each” and substitute “\$93,400 in”.

7       √ **941.** Page 607, line 7: after “2000–01” insert “2002–03”.

8       √ **942.** Page 607, line 14: after that line insert:

9           “**SECTION 1714d.** 49.175 (1) (zo) of the statutes is created to read:

10           49.175 (1) (zo) *After-school care program.* For the transfer of moneys to the  
11 department of public instruction for the after-school care grant program under 2001  
12 Wisconsin Act .... (this act), section 9140 (6w), \$150,000 in fiscal year 2002–03.”

13       √ **943.** Page 609, line 13: delete “(br),”.

14       √ **944.** Page 611, line 5: delete the material beginning with “, aid” and ending  
15 with “49.19” on line 6 and substitute “, aid to families with dependent children under  
16 s. 49.19”.

17       √ **945.** Page 611, line 6: delete “2029” and substitute “2029 2036”.

18       √ **946.** Page 611, line 10: delete “The” and substitute “The If the department of  
19 health and family services contracts with the department under sub. (5), the”.

20       √ **947.** Page 611, line 11: delete “appropriations” and substitute  
21 “appropriations appropriation”.

Insert  
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1       √ **948.** Page 611, line 11: delete the material beginning with “(dz)” and ending  
2 with “(nL)” on line 12 and substitute “~~(dz) and (L) and federal matching funds from~~  
3 ~~the appropriations under s. 20.445 (3) (n) and (nL) (kx)~~”.

4       √ **949.** Page 611, line 14: delete the material beginning with “medical” and  
5 ending with “2036” on line 18 and substitute “medical assistance under subch. IV or  
6 the food stamp program under 7 USC 2011 to 2036”.

7       √ **950.** Page 615, line 19: after “46.23” insert “, and may contract with tribal  
8 governing bodies,”.

9       √ **951.** Page 615, line 20: after “departments” insert “and tribal governing  
10 bodies”.

11       √ **952.** Page 621, line 12: after that line insert:

12       **“SECTION 1750w. 49.45 (2) (a) 24. of the statutes is created to read:**

13       49.45 (2) (a) 24. Promulgate rules that require that the written plan of care for  
14 persons receiving personal care services under medical assistance be reviewed by a  
15 registered nurse at least every 60 days. The rules shall provide that the written plan  
16 of care shall designate intervals for visits to the recipient’s home by a registered  
17 nurse as part of the review of the plan of care. The designated intervals for visits  
18 shall be based on the individual recipient’s needs, and each recipient shall be visited  
19 in his or her home by a registered nurse at least once in every 12-month period. The  
20 rules shall also provide that a visit to the recipient is also required if, in the course  
21 of the nurse’s review of the plan of care, there is evidence that a change in the  
22 recipient’s condition has occurred that may warrant a change in the plan of care.”.

23       √ **953.** Page 621, line 12: after that line insert:

1           **SECTION 1750d.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.  
2           a. and amended to read:

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

9           **SECTION 1750f.** 49.45 (2) (a) 10. b. of the statutes is created to read:

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

15          **SECTION 1750g.** 49.45 (2) (a) 10. c. of the statutes is created to read:

16          49.45 (2) (a) 10. c. Promulgate rules to implement this subdivision.

17          **SECTION 1750h.** 49.45 (2) (a) 11. of the statutes is renumbered 49.45 (2) (a) 11.  
18          a. and amended to read:

19          49.45 (2) (a) 11. a. Establish criteria for the certification of eligible providers  
20          of ~~services under Title XIX of the social security act~~ medical assistance and, except  
21          as provided in par. (b) 6m. and s. 49.48. and subject to par. (b) 7. and 8., certify ~~such~~  
22          eligible providers who meet the criteria.

23          **SECTION 1750i.** 49.45 (2) (a) 11. b. of the statutes is created to read:

24          49.45 (2) (a) 11. b. Promulgate rules to implement this subdivision.



1           **SECTION 1750j.** 49.45 (2) (a) 12. of the statutes is renumbered 49.45 (2) (a) 12.  
2           a. and amended to read:

3           49.45 (2) (a) 12. a. ~~Decertify or suspend under this subdivision~~ a provider from  
4           or restrict a provider's participation in the medical assistance program, if after  
5           giving reasonable notice and opportunity for hearing, the department finds that the  
6           provider has violated a federal statute or regulation or a state law statute or  
7           administrative rule and such violations are by law the violation is by statute,  
8           regulation, or rule grounds for decertification or suspension restriction. The  
9           department shall suspend the provider pending the hearing under this subdivision  
10           if the department includes in its decertification notice findings that the provider's  
11           continued participation in the medical assistance program pending hearing is likely  
12           to lead to the irretrievable loss of public funds and is unnecessary to provide  
13           adequate access to services to medical assistance recipients. As soon as practicable  
14           after the hearing, the department shall issue a written decision. No payment may  
15           be made under the medical assistance program with respect to any service or item  
16           furnished by the provider subsequent to decertification or during the period of  
17           suspension.

18           **SECTION 1750k.** 49.45 (2) (a) 12. b. of the statutes is created to read:

19           49.45 (2) (a) 12. b. Promulgate rules to implement this subdivision.

20           **SECTION 1750L.** 49.45 (2) (b) 6m. of the statutes is created to read:

21           49.45 (2) (b) 6m. Limit the number of providers of particular services that may  
22           be certified under par. (a) 11. or the amount of resources, including employees and  
23           equipment, that a certified provider may use to provide particular services to medical  
24           assistance recipients, if the department finds that existing certified providers and  
25           resources provide services that are adequate in quality and amount to meet the need

1 of medical assistance recipients for the particular services; and if the department  
2 finds that the potential for medical assistance fraud or abuse exists if additional  
3 providers are certified or additional resources are used by certified providers. The  
4 department shall promulgate rules to implement this subdivision.

5 **SECTION 1750n.** 49.45 (2) (b) 7. of the statutes is created to read:

6 49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all  
7 providers of a specific service that is among those enumerated under s. 49.46 (2) or  
8 49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond  
9 issued by a surety company licensed to do business in this state. Providers subject  
10 to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)  
11 for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),  
12 (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)  
13 10., or to need additional sanctions under par. (a) 13. The surety bond shall be  
14 payable to the department in an amount that the department determines is  
15 reasonable in view of amounts of former recoveries against providers of the specific  
16 service and the department's costs to pursue those recoveries. The department shall  
17 promulgate rules to implement this subdivision that specify all of the following:

18 a. Services under medical assistance for which providers have demonstrated  
19 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),  
20 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions  
21 under par. (a) 13.

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

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

1           **SECTION 1750p.** 49.45 (2) (b) 8. of the statutes is created to read:

2           49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub.  
3 (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation  
4 of the provider, regardless of whether the person is currently certified. The  
5 department may withhold the certification required under this subdivision until any  
6 outstanding repayment under sub. (21) is made. The department shall promulgate  
7 rules to implement this subdivision.

8           **SECTION 1750r.** 49.45 (2) (b) 9. of the statutes is created to read:

9           49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing,  
10 charge an assessment to a provider that repeatedly has been subject to recoveries  
11 under par. (a) 10. a. because of the provider's failure to follow identical or similar  
12 billing procedures or to follow other identical or similar program requirements. The  
13 assessment shall be used to defray in part the costs of audits and investigations by  
14 the department under sub. (3) (g) and may not exceed \$1,000 or 200% of the amount  
15 of any such repeated recovery made, whichever is greater. The provider shall pay the  
16 assessment to the department within 10 days after receipt of notice of the assessment  
17 or the final decision after administrative hearing, whichever is later. The  
18 department may recover any part of an assessment not timely paid by offsetting the  
19 assessment against any medical assistance payment owed to the provider and may  
20 refer any such unpaid assessments not collected in this manner to the attorney  
21 general, who may proceed with collection under this subdivision. Failure to timely  
22 pay in any manner an assessment charged under this subdivision, other than an  
23 assessment that is offset against any medical assistance payment owed to the  
24 provider, is grounds for decertification under subd. 12. A provider's payment of an  
25 assessment does not relieve the provider of any other legal liability incurred in

1 connection with the recovery for which the assessment is charged, but is not evidence  
2 of violation of a statute or rule. The department shall credit all assessments received  
3 under this subdivision to the appropriation account under s. 20.435 (4) (iL). The  
4 department shall promulgate rules to implement this subdivision.

5 **SECTION 1750t.** 49.45 (3) (g) of the statutes is renumbered 49.45 (3) (g) 1. and  
6 amended to read:

7 49.45 (3) (g) 1. The secretary may ~~appoint~~ authorize personnel to audit or  
8 investigate and report to the department on any matter involving violations or  
9 complaints alleging violations of ~~laws~~ statutes, regulations, or rules applicable to  
10 ~~Title XIX of the federal social security act or the medical assistance program and to~~  
11 perform such investigations or audits as are required to verify the actual provision  
12 of services or items available under the medical assistance program and the  
13 appropriateness and accuracy of claims for reimbursement submitted by providers  
14 participating in the program. Department employees ~~appointed~~ authorized by the  
15 secretary under this paragraph shall be issued, and shall possess at all times ~~during~~  
16 ~~which~~ while they are performing their investigatory or audit functions under this  
17 section, identification, signed by the secretary ~~which~~, that specifically designates the  
18 bearer as possessing the authorization to conduct medical assistance investigations  
19 or audits. ~~Pursuant to~~ Under the request of a designated person and upon  
20 presentation of ~~that~~ the person's authorization, providers and medical assistance  
21 recipients shall accord ~~such~~ the person access to any provider personnel, records,  
22 books, ~~recipient medical records, or documents~~ or other information needed. Under  
23 the written request of a designated person and upon presentation of the person's  
24 authorization, providers and recipients shall accord the person access to any needed  
25 patient health care records of a recipient. Authorized employees ~~shall have authority~~

1 to may hold hearings, administer oaths, take testimony, and perform all other duties  
2 necessary to bring ~~such~~ the matter before the department for final adjudication and  
3 determination.

4 **SECTION 1750td.** 49.45 (3) (g) 2. of the statutes is created to read:

5 49.45 (3) (g) 2. The department shall promulgate rules to implement this  
6 paragraph.

7 **SECTION 1750v.** 49.45 (3) (h) 1. of the statutes is repealed.

8 **SECTION 1750vm.** 49.45 (3) (h) 1n. of the statutes is created to read:

9 49.45 (3) (h) 1n. The department shall promulgate rules to implement this  
10 paragraph.

11 **SECTION 1750x.** 49.45 (3) (h) 2. of the statutes is repealed.

12 **SECTION 1750z.** 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) 1m.  
13 and amended to read:

14 49.45 (3) (h) 1m. The failure or refusal of a ~~person to purge himself or herself~~  
15 ~~of contempt found under s. 885.12 and perform the act as required by law shall~~  
16 ~~constitute~~ provider to accord department auditors or investigators access as required  
17 under par. (g) to any provider personnel, records, books, patient health care records  
18 of medical assistance recipients, or documents or other information requested  
19 constitutes grounds for decertification or suspension of ~~that person~~ the provider from  
20 participation in the medical assistance program ~~and no.~~ No payment may be made  
21 for services rendered by ~~that person~~ the provider following  
22 decertification ~~or~~, during the period of suspension, or during any period of provider  
23 failure or refusal to accord access as required under par. (g)."

24 ✓ **954.** Page 622, line 8: delete “. or (w)” and substitute “. (w), or (wm)”.

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already deleted by previous item

**955.** Page 622, line 14: delete lines 14 to 21.

**956.** Page 624, line 21: delete "and (w)" and substitute ", (w), and (wm)".

**957.** Page 627, line 2: after that line insert:

**"SECTION 1778d.** 49.45 (6v) (b) of the statutes is amended to read:

49.45 (6v) (b) The Beginning on October 1, 2003, and annually thereafter, the  
department shall, ~~each year,~~ submit to the joint committee on finance a report for the  
~~previous fiscal year, except for the 1997-98 fiscal year,~~ that provides information on  
the utilization of beds by recipients of medical assistance in facilities ~~and a~~  
~~discussion and detailed projection of the likely balances, expenditures,~~  
~~encumbrances and carry over of currently appropriated amounts in the~~  
~~appropriation accounts under s. 20.435 (4) (b) and (c) for the immediately prior 2~~  
consecutive fiscal years.

**SECTION 1778h.** 49.45 (6v) (c) of the statutes is amended to read:

49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds  
by recipients of medical assistance in facilities is ~~less than estimates for that~~  
~~utilization reflected in the intentions of the joint committee on finance, legislature~~  
~~and governor, as expressed by them in the budget determinations, the department~~  
shall include a proposal to transfer moneys from the appropriation under s. 20.435  
~~(4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing~~  
~~funding for the community options program under s. 46.27. The amount proposed~~  
~~for transfer may not reduce the balance in the appropriation account under s. 20.435~~  
~~(4) (b) below an amount necessary to ensure that that appropriation account will end~~  
~~the current fiscal year or the current fiscal biennium with a positive balance. The~~  
secretary shall transfer the amount identified under the proposal deccased during

1 the most recently completed fiscal year from the utilization of beds by recipients of  
2 medical assistance in facilities in the next most recently completed fiscal year, the  
3 department shall multiply the difference between the number of days of care  
4 provided to the recipients in the facilities in each of those prior 2 consecutive fiscal  
5 years by the average daily costs of care in the facilities for the most recently  
6 completed fiscal year. The average daily costs of care shall be calculated by dividing  
7 the total of medical assistance expenditures for care in facilities for the most recently  
8 completed fiscal year by the total number of days of care provided in facilities in that  
9 fiscal year.

10 **SECTION 1778p.** 49.45 (6v) (d) of the statutes is created to read:

11 49.45 (6v) (d) If par. (c) applies and if the amount calculated under par. (c) is  
12 positive, the department's report under par. (b) shall include a proposal to transfer  
13 an amount equal to the portion of the amount calculated under par. (c) that is the  
14 state share of medical assistance expenditures from the appropriation account under  
15 s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) for the purpose  
16 of increasing funding for the long-term support community options program under  
17 s. 46.27. If the cochairpersons of the joint committee on finance do not notify the  
18 secretary within 14 working days after the date on which the department submits  
19 the proposal that the committee has scheduled a meeting for the purpose of  
20 reviewing the proposal, the secretary shall transfer the amount identified under the  
21 proposal. If, within 14 working days after the date on which the department submits  
22 the proposal, the cochairpersons of the joint committee on finance notify the  
23 secretary that the committee has scheduled a meeting for the purpose of reviewing  
24 the proposal, the secretary may transfer moneys from the appropriation account

1 under s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) only as  
2 approved by the committee.

3 **SECTION 1778r.** 49.45 (6v) (e) of the statutes is created to read:

4 49.45 (6v) (e) Of the amount required to be transferred by the secretary under  
5 par. (d), 40% shall be expended for services as specified under s. 46.27 (7) and 60%  
6 shall be expended for services as specified under s. 46.27 (11).”.

7 **958.** Page 628, line 21: after that line insert:

8 “**SECTION 1786g.** 49.45 (21) (title) of the statutes is amended to read:

9 49.45 (21) (title) ~~TRANSFER OF BUSINESS, LIABILITY FOR~~ TAKING OVER PROVIDER'S  
10 OPERATION; REPAYMENTS REQUIRED.

11 **SECTION 1786h.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and  
12 amended to read:

13 49.45 (21) (ar) ~~If any provider~~ Before a person may take over the operation of  
14 a provider that is liable for repayment of improper or erroneous payments or  
15 overpayments under ss. 49.43 to 49.497 sells or otherwise transfers ownership of his  
16 or her business or all or substantially all of the assets of the business, the transferor  
17 and transferee are each liable for the repayment. Prior to final transfer, the  
18 transferee is responsible for contacting the department and ascertaining if the  
19 transferor, full repayment shall be made. Upon request, the department shall notify  
20 the provider or the person that intends to take over the operation of the provider as  
21 to whether the provider is liable under this paragraph.

22 **SECTION 1786i.** 49.45 (21) (ag) of the statutes is created to read:



1           49.45 (21) (ag) In this subsection, “take over the operation” means obtain, with  
2           respect to an aspect of a provider’s business for which the provider has filed claims  
3           for medical assistance reimbursement, any of the following:

4           1. Ownership of the provider’s business or all or substantially all of the assets  
5           of the business.

6           2. Majority control over decisions.

7           3. The right to any profits or income.

8           4. The right to contact and offer services to patients, clients, or residents served  
9           by the provider.

10          5. An agreement that the provider will not compete with the person at all or  
11          with respect to a patient, client, resident, service, geographical area, or other part  
12          of the provider’s business.

13          6. The right to perform services that are substantially similar to services  
14          performed by the provider at the same location as those performed by the provider.

15          7. The right to use any distinctive name or symbol by which the provider is  
16          known in connection with services to be provided by the person.

17          **SECTION 1786j.** 49.45 (21) (b) of the statutes is amended to read:

18          49.45 (21) (b) ~~If a transfer occurs~~ If, notwithstanding the prohibition under par.  
19          (ar), a person takes over the operation of a provider and the applicable amount under  
20          par. (a) (ar) has not been repaid, the department may, in addition to withholding  
21          certification as authorized under sub. (2) (b) 8., proceed against either the transferor  
22          or the transferee the provider or the person. Within 30 days after receiving the  
23          certified provider receives notice from the department, the ~~transferor or the~~  
24          ~~transferee shall pay the amount~~ shall be repaid in full. ~~Upon failure to comply~~ If the  
25          amount is not repaid in full, the department may bring an action to compel payment.

1 ~~If a transferor fails to pay within 90 days after receiving notice from the department,~~  
2 ~~the department, may proceed under sub. (2) (a) 12., or may do both.~~

3 **SECTION 1786k.** 49.45 (21) (e) of the statutes is created to read:

4 49.45 (21) (e) The department shall promulgate rules to implement this  
5 subsection.”.

6 ✓ **959.** Page 630, line 7: after that line insert:

7 **“SECTION 1789b.** 49.45 (39) (a) 1. of the statutes is amended to read:

8 49.45 (39) (a) 1. “School” means a public school described under s. 115.01 (1),  
9 a charter school, as defined in s. 115.001 (1), the Wisconsin Center for the Blind and  
10 Visually Impaired, or the Wisconsin School Educational Services Program for the  
11 Deaf and Hard of Hearing. It includes school-operated early childhood programs for  
12 developmentally delayed and disabled 4-year-old and 5-year-old children.

13 **SECTION 1789c.** 49.45 (39) (am) of the statutes is amended to read:

14 49.45 (39) (am) *Plan amendment.* No later than September 30, 1995, the  
15 department shall submit to the federal department of health and human services an  
16 amendment to the state medical assistance plan to permit the application of pars. (b)  
17 and (c). If the amendment to the state plan is approved, school districts, cooperative  
18 educational service agencies, and the department of public instruction on behalf of  
19 the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School  
20 Educational Services Program for the Deaf and Hard of Hearing claim  
21 reimbursement under pars. (b) and (c). Paragraphs (b) and (c) do not apply unless  
22 the amendment to the state plan is approved and in effect. The department shall  
23 submit to the federal department of health and human services an amendment to the  
24 state plan if necessary to permit the application of pars. (b) and (c) to the Wisconsin

1 Center for the Blind and Visually Impaired and the Wisconsin ~~School~~ Educational  
2 Services Program for the Deaf and Hard of Hearing.

3 **SECTION 1789d.** 49.45 (39) (b) of the statutes is amended to read:

4 49.45 (39) (b) *School medical services.* 1. 'Payment for school medical services.'

5 If a school district or a cooperative educational service agency elects to provide school  
6 medical services and meets all requirements under par. (c), the department shall  
7 reimburse the school district or the cooperative educational service agency for 60%  
8 of the federal share of allowable charges for the school medical services that it  
9 provides and, as specified in subd. 2., for allowable administrative costs. If the  
10 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~  
11 Educational Services Program for the Deaf and Hard of Hearing elects to provide  
12 school medical services and meets all requirements under par. (c), the department  
13 shall reimburse the department of public instruction for 60% of the federal share of  
14 allowable charges for the school medical services that the Wisconsin Center for the  
15 Blind and Visually Impaired or the Wisconsin ~~School~~ Educational Services Program  
16 for the Deaf and Hard of Hearing provides and, as specified in subd. 2., for allowable  
17 administrative costs. A school district, cooperative educational service agency, the  
18 Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~  
19 Educational Services Program for the Deaf and Hard of Hearing may submit, and  
20 the department shall allow, claims for common carrier transportation costs as a  
21 school medical service unless the department receives notice from the federal health  
22 care financing administration that, under a change in federal policy, the claims are  
23 not allowed. If the department receives the notice, a school district, cooperative  
24 educational service agency, the Wisconsin Center for the Blind and Visually  
25 Impaired, or the Wisconsin ~~School~~ Educational Services Program for the Deaf and

1 Hard of Hearing may submit, and the department shall allow, unreimbursed claims  
2 for common carrier transportation costs incurred before the date of the change in  
3 federal policy. The department shall promulgate rules establishing a methodology  
4 for making reimbursements under this paragraph. All other expenses for the school  
5 medical services provided by a school district or a cooperative educational service  
6 agency shall be paid for by the school district or the cooperative educational service  
7 agency with funds received from state or local taxes. The school district, the  
8 Wisconsin Center for the Blind and Visually Impaired, the Wisconsin ~~School~~  
9 Educational Services Program for the Deaf and Hard of Hearing, or the cooperative  
10 educational service agency shall comply with all requirements of the federal  
11 department of health and human services for receiving federal financial  
12 participation.

13 2. 'Payment for school medical services administrative costs.' The department  
14 shall reimburse a school district or a cooperative educational service agency specified  
15 under subd. 1. and shall reimburse the department of public instruction on behalf  
16 of the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin ~~School~~  
17 Educational Services Program for the Deaf and Hard of Hearing for 90% of the  
18 federal share of allowable administrative costs, using time studies, beginning in  
19 fiscal year 1999–2000. A school district or a cooperative ~~education~~ educational  
20 service agency may submit, and the department of health and family services shall  
21 allow, claims for administrative costs incurred during the period that is up to 24  
22 months before the date of the claim, if allowable under federal law.”.

23 √ **960.** Page 630, line 14: after that line insert:

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

1           49.45 (47) (c) The biennial fee for the certification required under par. (b) of an  
2 adult day care center is ~~\$89, plus a biennial fee of \$17.80 per client, based on the~~  
3 ~~number of clients that the adult day care center is certified to serve~~ \$100. Fees  
4 collected under this paragraph shall be credited to the appropriation account under  
5 s. 20.435 (6) (jm).

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

7           √ **961.** Page 632, line 4: after that line insert:

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

9           49.46 (1) (a) 5m. Any individual who is at least 19 years of age but under 20  
10 years of age and who, on his or her 18th birthday, was in foster care, or treatment  
11 foster care placement under ch. 48 or 938, as determined by the department.”.

12           √ **962.** Page 646, line 22: after that line insert:

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

14           **49.688 Prescription drug assistance for elderly persons.** (1) In this  
15 section:

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

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

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

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

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

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

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

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

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

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

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

14 (b) A person to whom par. (a) 1. to 3. and 5. applies, but whose annual household  
15 income, as determined by the department, exceeds 240% of the federal poverty line  
16 for a family the size of the persons’ eligible family, is eligible to purchase a  
17 prescription drug at the amounts specified in sub. (5) (a) 4. only during the remaining  
18 amount of any 12–month period in which the person has first paid the annual  
19 deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at the retail  
20 price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

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

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

23 (b) 1. For each 12–month benefit period, for a person specified in sub. (2) (a),  
24 a deductible for prescription drugs of \$500, except that a person whose annual

1 household income, as determined by the department, is 160% or less of the federal  
2 poverty line for a family the size of the person's eligible family pays no deductible.

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

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

7 b. Five hundred dollars.

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

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

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

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

17 (4) The department shall devise and distribute a form for application for the  
18 program under sub. (2), shall determine eligibility for each 12-month benefit period  
19 of applicants and shall issue to eligible persons a prescription drug card for use in  
20 purchasing prescription drugs, as specified in sub. (5). The department shall  
21 promulgate rules that specify the criteria to be used to determine household income  
22 under sub. (2) (a) 4. and (b) and (3) (b) 1.

23 (5) (a) Beginning on September 1, 2002, except as provided in sub. (7) (b), as  
24 a condition of participation by a pharmacy or pharmacist in the program under s.  
25 49.45, 49.46, or 49.47, the pharmacy or pharmacist may not charge a person who

1 presents a valid prescription order and a card indicating that he or she meets  
2 eligibility requirements under sub. (2) an amount for a prescription drug under the  
3 order that exceeds the following:

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

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

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

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

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

17 (6) The department, or an entity with which the department contracts, shall  
18 provide to a drug manufacturer that sells drugs for prescribed use in this state  
19 documents designed for use by the manufacturer in entering into a rebate agreement  
20 with the department or entity that is modeled on the rebate agreement specified  
21 under 42 USC 1396r–8. A rebate agreement under this subsection shall include all  
22 of the following as requirements:

23 (a) That, except as provided in sub. (7) (b), the manufacturer shall make rebate  
24 payments for each prescription drug of the manufacturer that is prescribed for and  
25 purchased by persons who meet criteria under sub. (2) (a) and persons who meet



1 criteria under sub. (2) (b) and have paid the deductible under sub. (3) (b) 2. a., to the  
2 state treasurer to be credited to the appropriation account under s. 20.435 (4) (j), each  
3 calendar quarter or according to a schedule established by the department.

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

6 (7) (a) Except as provided in par. (b), from the appropriation accounts under  
7 s. 20.435 (4) (bv) and (j), beginning on September 1, 2002, the department shall,  
8 under a schedule that is identical to that used by the department for payment of  
9 pharmacy provider claims under medical assistance, provide to pharmacies and  
10 pharmacists payments for prescription drugs sold by the pharmacies or pharmacists  
11 to persons eligible under sub. (2) who have paid the deductible specified under sub.  
12 (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not required to pay a deductible. The  
13 payment for each prescription drug under this paragraph shall be at the program  
14 payment rate, minus any copayment paid by the person under sub. (5) (a) 2. or 4., and  
15 plus, if applicable, incentive payments that are similar to those provided under s.  
16 49.45 (8v). The department shall devise and distribute a claim form for use by  
17 pharmacies and pharmacists under this paragraph and may limit payment under  
18 this paragraph to those prescription drugs for which payment claims are submitted  
19 by pharmacists or pharmacies directly to the department. The department may  
20 apply to the program under this section the same utilization and cost control  
21 procedures that apply under rules promulgated by the department to medical  
22 assistance under subch. IV of ch. 49.

23 (b) During any period in which funding under s. 20.435 (4) (bv) is completely  
24 expended for the payments specified in par. (a), the requirements of par. (a) and subs.  
25 (3) (c), (5), and (6) (a) and (b) do not apply to drugs purchased during that period, but

1 the department shall continue to accept applications and determine eligibility under  
2 sub. (4) and shall indicate to applicants that the eligibility of program participants  
3 to purchase prescription drugs as specified in sub. (3), under the requirements of sub.  
4 (5), is conditioned on the availability of funding under s. 20.435 (4) (bv).

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

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

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

18 (c) A person other than a person specified in par. (b) who is convicted of violating  
19 a rule promulgated by the department under par. (a) may be fined not more than  
20 \$10,000, or imprisoned for not more than one year, or both.

21 (10) If federal law is amended to provide coverage for prescription drugs for  
22 outpatient care as a benefit under medicare or to provide similar coverage under  
23 another program, the department shall submit to appropriate standing committees  
24 of the legislature under s. 13.172 (3) a report that contains an analysis of the

1 differences between such a federal program and the program under this section and  
2 that provides recommendations concerning alignment, if any, of the differences.

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

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

17 √ **963.** Page 648, line 12: after that line insert:

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

19 49.85 (2) (a) At least annually, the department of health and family services  
20 shall certify to the department of revenue the amounts that, based on the  
21 notifications received under sub. (1) and on other information received by the  
22 department of health and family services, the department of health and family  
23 services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except  
24 that the department of health and family services may not certify an amount under

1 this subsection unless it has met the notice requirements under sub. (3) and unless  
2 its determination has either not been appealed or is no longer under appeal.”.

3 ✓ **964.** Page 648, line 21: after that line insert:

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

5 49.85 (3) (a) 1. Inform the person that the department of health and family  
6 services intends to certify to the department of revenue an amount that the  
7 department of health and family services has determined to be due under s. 49.45  
8 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.”.

9 ✓ **965.** Page 653, line 10: after that line insert:

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

11 50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator  
12 reside and receive care, treatment or services that are above the level of room and  
13 board and that may include up to 7 hours per week of nursing care per resident.  
14 “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d),  
15 (f) or (g) or a respite facility, as defined in s. 50.85 (1) (d).

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

17 50.01 (1g) (h) A respite facility, as defined in s. 50.85 (1) (d).

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

19 50.01 (3) (f) A respite facility, as defined in s. 50.85 (1) (d).”.

20 ✓ **966.** Page 653, line 10: after that line insert:

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

22 50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from  
23 the person or persons named in the license to any other person or persons, the  
24 transferee must obtain a new license. The license may be a probationary license.

1 Penalties under sub. (1) shall apply to violations of this subsection. The transferee  
2 shall notify the department of the transfer, file an application under sub. (3) (b), and  
3 apply for a new license at least 30 days prior to final transfer. Retention of any  
4 interest required to be disclosed under sub. (3) (b) after transfer by any person who  
5 held such an interest prior to transfer may constitute grounds for denial of a license  
6 where violations of this subchapter for which notice had been given to the transferor  
7 are outstanding and uncorrected, if the department determines that effective control  
8 over operation of the facility has not been transferred. If the transferor was a  
9 provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45  
10 (21).”.

11 ✓**967.** Page 654, line 6: after that line insert:

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

13 50.065 (1) (c) (intro.) “Entity” means a facility, organization or service that is  
14 licensed or certified by or registered with the department to provide direct care or  
15 treatment services to clients. “Entity” includes a hospital, a personal care worker  
16 agency, a supportive home care service agency, a temporary employment agency that  
17 provides caregivers to another entity, a respite facility, and the board on aging and  
18 long-term care. “Entity” does not include any of the following:

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

20 50.50 (3) (a) 7. A respite facility.

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

23 **CHAPTER 50**

24 **SUBCHAPTER IV**

1                                    RESPITE FACILITIES AND HOSPICES

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

3            **50.85 Respite facilities for persons with like or similar disabilities. (1)**

4            DEFINITIONS. In this section:

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

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

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

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

14           (2) DEPARTMENTAL POWERS AND DUTIES. The department shall provide uniform,  
15           statewide licensure, inspection, and regulation of respite facilities as specified in this  
16           section.

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

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

23           (c) The department or the department’s designated representative shall  
24           inspect or investigate a respite facility prior to issuance of a license for the respite  
25           facility and may inspect or investigate a respite facility as the department deems

1 necessary, including a review of patient health care records of any individuals served  
2 by the respite facility, to determine if any person is in violation of this section.

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

11 (4) USE OF NAME OR ADVERTISING PROHIBITED. No entity that is not a respite  
12 facility licensed under this section or an applicant for a license under this section may  
13 designate itself as a "respite facility" or use the word "respite facility" to represent  
14 or tend to represent the entity as a respite facility or services provided by the entity  
15 as services provided by a respite facility.

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

- 17 1. Be in writing on a form provided by the department.
- 18 2. Contain such information as the department requires.
- 19 3. Include licensing fee payment, as specified in sub. (6).

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

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

23 3. Any license granted under special limitations prescribed by the department  
24 shall state the limitations.

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

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

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

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

15           (d) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set  
16 by the department in the notice of revocation, or upon final action after a hearing  
17 under ch. 227, or after court action if a stay is granted under ch. 227, whichever is  
18 later.

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

22           **(8) RULE-MAKING AUTHORITY.** The department shall promulgate all of the  
23 following rules:

24           (a) Standards for the care, treatment, health, safety, rights, and welfare of  
25 persons with like or similar disabilities who receive respite care care from a respite



1 facility and the maintenance, general hygiene and operation of a respite facility,  
2 which will permit the use of advancing knowledge to promote safe and adequate care  
3 and treatment for these individuals. These standards shall permit persons with like  
4 or similar disabilities who receive day care from a respite facility to share dining  
5 facilities and day trips with persons with with like or similar disabilities who receive  
6 overnight care from a respite facility. The standards shall also allow provision of fire  
7 safety training by a local fire inspector or a fire department.

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

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

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

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

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

17 **(9) RIGHT OF INJUNCTION.** The department may, upon the advice of the attorney  
18 general, who shall represent the department in all proceedings under this section,  
19 institute an action in the name of the state in the circuit court for Dane County for  
20 injunctive relief or other process against any licensee, owner, operator,  
21 administrator or representative of any owner of a respite facility for the violation of  
22 any of the provisions of this section or rules promulgated under this section if the  
23 violation affects the health, safety, or welfare of persons with like or similar  
24 disabilities.

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

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

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

14           2. Good faith exercised by the licensee. Indications of good faith include, but  
15 are not limited to, awareness of the applicable statutes and regulation and  
16 reasonable diligence in complying with such requirements, prior accomplishments  
17 manifesting the licensee's desire to comply with the requirements, efforts to correct  
18 and any other mitigating factors in favor of the licensee.

19           3. Any previous violations committed by the licensee.

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

22           (c) The department may directly assess forfeitures provided for under par. (a).  
23 If the department determines that a forfeiture should be assessed for a particular  
24 violation or for failure to correct the violation, the department shall send a notice of  
25 assessment to the respite facility. The notice shall specify the amount of the

1 forfeiture assessed, the violation, and the statute or rule alleged to have been  
2 violated, and shall inform the licensee of the right to a hearing under par. (d).

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

14 (e) All forfeitures shall be paid to the department within 10 days after receipt  
15 of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days  
16 after receipt of the final decision after exhaustion of administrative review, unless  
17 the final decision is appealed and the order is stayed by court order under the same  
18 terms and conditions as found in s. 50.03 (11). The department shall remit all  
19 forfeitures paid to the state treasurer for deposit in the school fund.

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

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

25 **50.90 Definitions.** (intro.) In this ~~subchapter~~ section to s. 50.981:

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

2           **50.91 Departmental powers and duties.** The department shall provide  
3 uniform, statewide licensing, inspection and regulation of hospices as specified in  
4 ~~this subchapter~~ ss. 50.90 to 50.981.

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

6           **50.92 (2)** The department shall issue a license if the department finds that the  
7 applicant is fit and qualified and that the hospice meets the requirements of ~~this~~  
8 ~~subchapter~~ ss. 50.90 to 50.981 and the rules promulgated under ~~this subchapter~~ ss.  
9 50.90 to 50.981.

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

11          **50.92 (3)** The department or the department's designated representative shall  
12 inspect or investigate a hospice prior to issuance of a license for the hospice except  
13 as provided in sub. (4) and may inspect or investigate a hospice as the department  
14 deems necessary, including conducting home visits or a review of health care records  
15 of any individuals with terminal illness served by the hospice, to determine if any  
16 person is in violation of ~~this subchapter~~ ss. 50.90 to 50.981.

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

18          **50.925 Use of name or advertising prohibited.** No entity that is not a  
19 hospice licensed under ~~this subchapter~~ ss. 50.90 to 50.981 or an applicant for a  
20 license or a provisional license under ~~this subchapter~~ ss. 50.90 to 50.981 may  
21 designate itself as a "hospice" or use the word "hospice" to represent or tend to  
22 represent the entity as a hospice or services provided by the entity as services  
23 provided by a hospice.

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

1           50.93 (3) PROVISIONAL LICENSE. If the applicant has not been previously licensed  
2 under ~~this subchapter s. 50.92~~ or if the hospice is not in operation at the time that  
3 application is made, the department may issue a provisional license. Unless sooner  
4 suspended or revoked under sub. (4), a provisional license shall be valid for 24  
5 months from the date of issuance. Within 30 days prior to the termination of a  
6 provisional license, the department shall fully and completely inspect the hospice  
7 and, if the hospice meets the applicable requirements for licensure, shall issue a  
8 regular license under sub. (2). If the department finds that the hospice does not meet  
9 the requirements for licensure, the department may not issue a regular license under  
10 sub. (2).

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

12           50.93 (4) (a) The department, after notice to the applicant or licensee, may  
13 suspend or revoke a license in any case in which the department finds that there has  
14 been a substantial failure to comply with the requirements of ~~this subchapter ss.~~  
15 50.90 to 50.981 or the rules promulgated under ~~this subchapter ss. 50.90 to 50.981.~~  
16 No state or federal funds passing through the state treasury may be paid to a hospice  
17 not having a valid license issued under this section.

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

19           **50.97 Right of injunction.** The department may, upon the advice of the  
20 attorney general, who shall represent the department in all proceedings under this  
21 section, institute an action in the name of the state in the circuit court for Dane  
22 County for injunctive relief or other process against any licensee, owner, operator,  
23 administrator or representative of any owner of a hospice for the violation of any of  
24 the provisions of ~~this subchapter ss. 50.90 to 50.981~~ or rules promulgated under this

1 ~~subchapter ss. 50.90 to 50.981~~ if the violation affects the health, safety or welfare of  
2 individuals with terminal illness.

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

4 50.98 (1) Any person who violates ~~this subchapter~~ ss. 50.90 to 50.981 or rules  
5 promulgated under ~~this subchapter~~ ss. 50.90 to 50.981 may be required to forfeit not  
6 more than \$100 for the first violation and may be required to forfeit not more than  
7 \$200 for the 2nd or any later violation within a year. The period shall be measured  
8 using the dates of issuance of citations of the violations. Each day of violation  
9 constitutes a separate violation.

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

11 **50.981 Fees permitted for a workshop or seminar.** If the department  
12 develops and provides a workshop or seminar relating to the provision of services by  
13 hospices under ~~this subchapter~~ ss. 50.90 to 50.981, the department may establish a  
14 fee for each workshop or seminar and impose the fee on registrants for the workshop  
15 or seminar. A fee so established and imposed shall be in an amount sufficient to  
16 reimburse the department for the costs directly associated with developing and  
17 providing the workshop or seminar.”.

18 ✓ **968.** Page 656, line 10: after that line insert:

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

20 51.15 (1) (a) (intro.) A law enforcement officer or other person authorized to  
21 take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938  
22 may take an individual into custody if the officer or person has cause to believe that  
23 ~~such~~ the individual is mentally ill ~~or, except as provided in subd. 5., is drug~~

1 dependent, or is developmentally disabled, and that the individual evidences any of  
2 the following:

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

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

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

6 51.15 (4) (a) In counties having a population of 500,000 or more, the law  
7 enforcement officer or other person authorized to take a child into custody under ch.  
8 48 or to take a juvenile into custody under ch. 938 shall sign a statement of  
9 emergency detention which shall provide detailed specific information concerning  
10 the recent overt act, attempt, or threat to act or omission on which the belief under  
11 sub. (1) is based and the names of the persons observing or reporting the recent overt  
12 act, attempt, or threat to act or omission. The law enforcement officer or other person  
13 is not required to designate in the statement whether the subject individual is  
14 mentally ill, developmentally disabled, or drug dependent, but shall allege that he  
15 or she has cause to believe that the individual evidences one or more of these  
16 conditions ~~if sub. (1) (a) 1., 2., 3. or 4. is believed or mental illness, if sub. (1) (a) 5.~~  
17 ~~is believed.~~ The law enforcement officer or other person shall deliver, or cause to be  
18 delivered, the statement to the detention facility upon the delivery of the individual  
19 to it.

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

21 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a  
22 population of less than 500,000, the law enforcement officer or other person  
23 authorized to take a child into custody under ch. 48 or to take a juvenile into custody  
24 under ch. 938 shall sign a statement of emergency detention ~~which~~ that shall provide  
25 detailed specific information concerning the recent overt act, attempt, or threat to

1 act or omission on which the belief under sub. (1) is based and the names of persons  
2 observing or reporting the recent overt act, attempt, or threat to act or omission. The  
3 law enforcement officer or other person is not required to designate in the statement  
4 whether the subject individual is mentally ill, developmentally disabled, or drug  
5 dependent, but shall allege that he or she has cause to believe that the individual  
6 evidences one or more of these conditions if sub. (1) (a) 1., 2., 3. or 4. is believed or  
7 mental illness, if sub. (1) (a) 5. is believed. The statement of emergency detention  
8 shall be filed by the officer or other person with the detention facility at the time of  
9 admission, and with the court immediately thereafter. The filing of the statement  
10 has the same effect as a petition for commitment under s. 51.20. When, upon the  
11 advice of the treatment staff, the director of a facility specified in sub. (2) determines  
12 that the grounds for detention no longer exist, he or she shall discharge the  
13 individual detained under this section. Unless a hearing is held under s. 51.20 (7)  
14 or 55.06 (11) (b), the subject individual may not be detained by the law enforcement  
15 officer or other person and the facility for more than a total of 72 hours, exclusive of  
16 Saturdays, Sundays, and legal holidays.

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

18 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to  
19 be drug dependent or developmentally disabled, after the advantages and  
20 disadvantages of and alternatives to accepting a particular medication or treatment  
21 have been explained to him or her and because of mental illness, evidences either  
22 incapability of expressing an understanding of the advantages and disadvantages of  
23 accepting medication or treatment and the alternatives, or substantial incapability  
24 of applying an understanding of the advantages, disadvantages, and alternatives to  
25 his or her mental illness in order to make an informed choice as to whether to accept



1 or refuse medication or treatment; and evidences a substantial probability, as  
2 demonstrated by both the individual's treatment history and his or her recent acts  
3 or omissions, that the individual needs care or treatment to prevent further  
4 disability or deterioration and a substantial probability that he or she will, if left  
5 untreated, lack services necessary for his or her health or safety and suffer severe  
6 mental, emotional, or physical harm that will result in the loss of the individual's  
7 ability to function independently in the community or the loss of cognitive or  
8 volitional control over his or her thoughts or actions. The probability of suffering  
9 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.  
10 if reasonable provision for the individual's care or treatment is available in the  
11 community and there is a reasonable probability that the individual will avail  
12 himself or herself of these services or if the individual is appropriate for protective  
13 placement under s. 55.06. Food, shelter, or other care that is provided to an  
14 individual who is substantially incapable of obtaining food, shelter, or other care for  
15 himself or herself by any person other than a treatment facility does not constitute  
16 reasonable provision for the individual's care or treatment in the community under  
17 this subd. 2. e. The individual's status as a minor does not automatically establish  
18 a substantial probability of suffering severe mental, emotional, or physical harm  
19 under this subd. 2. e. ~~This subd. 2. e. does not apply after November 30, 2001.~~

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

21 51.20 (1) (ad) 1. If a petition under par. (a) is based on par. (a) 2. e., the petition  
22 shall be reviewed and approved by the attorney general or by his or her designee prior  
23 to ~~or within 12 hours after~~ the time that it is filed. If the attorney general or his or  
24 her designee disapproves or fails to act with respect to the petition, the petition may  
25 not be filed. ~~If the attorney general or his or her designee disapproves or fails to act~~

1 ~~with respect to a petition under this subdivision within 12 hours after the time that~~  
2 ~~it is filed, the individual, if detained under the petition, shall be released and the~~  
3 ~~petition is void.~~

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

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

7 51.20 (10) (cm) Prior to or at the final hearing, for individuals for whom a  
8 petition is filed under sub. (1) (a) 2. e., the county department under s. 51.42 or 51.437  
9 shall furnish to the court and the subject individual an initial recommended written  
10 treatment plan that contains the goals of treatment, the type of treatment to be  
11 provided, and the expected providers. The treatment plan shall address the  
12 individual's needs for inpatient care, residential services, community support  
13 services, medication and its monitoring, case management, and other services to  
14 enable the person to live in the community upon release from an inpatient facility.  
15 The treatment plan shall contain information concerning the availability of the  
16 needed services and community treatment providers' acceptance of the individual  
17 into their programs. The treatment plan is only a recommendation and is not subject  
18 to approval or disapproval by the court. Failure to furnish a treatment plan under  
19 this subdivision paragraph does not constitute grounds for dismissal of the petition  
20 unless the failure is made in bad faith.

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

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

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

24 51.30 (3) (b) An individual's attorney or guardian ad litem and the corporation  
25 counsel shall have access to the files and records of the court proceedings under this

1 chapter without the individual's consent and without modification of the records in  
2 order to prepare for involuntary commitment or recommitment proceedings,  
3 reexaminations, appeals, or other actions relating to detention, admission, or  
4 commitment under this chapter or ch. 971 or 975.

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

6 51.30 (4) (b) 11. To the subject individual's counsel or guardian ad litem and  
7 the corporation counsel, without modification, at any time in order to prepare for  
8 involuntary commitment or recommitment proceedings, reexaminations, appeals, or  
9 other actions relating to detention, admission, commitment, or patients' rights under  
10 this chapter or ch. 48, 971, or 975.

11 **SECTION 1965p.** 51.30 (4) (b) 14. of the statutes is repealed.”.

12 ✓**969.** Page 656, line 10: after that line insert:

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

14 51.13 (1) (a) Except as provided in par. (c) and s. 51.45 (2m), the application for  
15 voluntary admission of a minor who is ~~under~~ 14 years of age or older to an approved  
16 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
17 drug abuse and the application for voluntary admission of a minor who is under 14  
18 years of age to an approved inpatient treatment facility for the primary purpose of  
19 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
20 shall be executed by a parent who has legal custody of the minor or the minor's  
21 guardian. Any statement or conduct by a minor ~~under the age of 14 who is the subject~~  
22 of an application for voluntary admission under this paragraph indicating that the  
23 minor does not agree to admission to the facility shall be noted on the face of the  
24 application and shall be noted in the petition required by sub. (4).

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

2           51.13 (1) (b) The application for voluntary admission of a minor who is 14 years  
3 of age or ~~ever~~ older to an approved inpatient treatment facility for the primary  
4 purpose of treatment for mental illness or developmental disability shall be executed  
5 by the minor and a parent who has legal custody of the minor or the minor's guardian,  
6 except as provided in par. (c) 1.

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

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

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

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

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

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

13           51.13 (1) (d) A minor against whom a petition or statement has been filed under  
14 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court  
15 may permit the minor to become a voluntary patient pursuant to under this section  
16 upon approval by the court of an application executed pursuant to under par. (a), (b),  
17 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,  
18 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
19 under sub. (4) is required.

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

21           51.13 (1) (e) A minor may be admitted immediately upon the approval of the  
22 application executed under par. (a) or (b) by the treatment director of the facility or  
23 his or her designee or, in the case of a center for the developmentally disabled, the  
24 director of the center or his or her designee, and the director of the appropriate county  
25 department under s. 51.42 or 51.437 if ~~such~~ the county department is to be

1 responsible for the cost of the minor's therapy and treatment. Approval shall be  
2 based upon an informed professional opinion that the minor is in need of psychiatric  
3 services or services for developmental disability, alcoholism, or drug abuse, that the  
4 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for  
5 the minor's needs, and that inpatient care in the facility is the least restrictive  
6 therapy or treatment consistent with the minor's needs. In the case of a minor who  
7 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
8 approval shall also be based on the results of an alcohol or other drug abuse  
9 assessment that conforms to the criteria specified in s. 938.547 (4).

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

11 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
12 without complying with the requirements of this section if the admission does not  
13 involve the department or a county department under s. 51.42 or 51.437, or a contract  
14 between a treatment facility and the department or ~~between a treatment facility and~~  
15 a county department. The application for voluntary admission of a minor who is 14  
16 years of age or older to an inpatient treatment facility for the primary purpose of  
17 treatment for alcoholism or drug abuse and the application for voluntary admission  
18 of a minor who is under 14 years of age to an inpatient treatment facility for the  
19 primary purpose of treatment for mental illness, developmental disability,  
20 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the  
21 minor or by the minor's guardian. The application for voluntary admission of a minor  
22 who is 14 years of age or ~~ever~~ older to an inpatient treatment facility for the primary  
23 purpose of treatment for mental illness or developmental disability shall be executed  
24 by the minor and a parent who has legal custody of the minor or the minor's guardian.

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

1           51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
2     and who is admitted to an inpatient treatment facility for the primary purpose of  
3     treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~  
4     has the right to be discharged within 48 hours ~~of~~ after his or her request, as provided  
5     in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
6     who is admitted to an inpatient treatment facility for the primary purpose of  
7     treatment for mental illness or developmental disability, and the minor's parent or  
8     guardian, shall be informed of this right orally and in writing by the director of the  
9     hospital or such person's designee. This paragraph does not apply to individuals who  
10    receive services in hospital emergency rooms.

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

12           51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
13    available at all times to all minors who are 14 years of age or older and who are  
14    admitted under this subsection for the primary purpose of treatment for mental  
15    illness or developmental disability. The staff of the facility shall assist such minors  
16    in preparing or submitting requests for discharge.

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

18           51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
19    inpatient treatment facility for the primary purpose of treatment for mental illness  
20    or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)  
21    1. or 2., and his or her the minor's parent or guardian shall also be informed by the  
22    director or his or her designee, both orally and in writing, in easily understandable  
23    language, of the minor's right to request discharge and to be discharged within 48  
24    hours of the request if no petition or statement is filed for emergency detention,

1 emergency commitment, involuntary commitment, or protective placement, and the  
2 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

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

4 51.13 (3) (c) A minor 14 years of age or older who has been admitted to an  
5 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse,  
6 a minor under 14 years of age who has been admitted to an inpatient treatment  
7 facility for the primary purpose of treatment for mental illness, developmental  
8 disability, alcoholism, or drug abuse, and his or her the minor's parent or guardian  
9 shall also be informed by the director or his or her designee, both orally and in  
10 writing, in easily understandable language, of the right of the parent or guardian to  
11 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to  
12 a hearing to determine continued appropriateness of the admission as provided in  
13 sub. (7) (c).

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

15 51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
16 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
17 first, the treatment director of the facility to which the minor is admitted or, in the  
18 case of a center for the developmentally disabled, the director of the center, shall file  
19 a verified petition for review of the admission in the court assigned to exercise  
20 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A  
21 copy of the application for admission and of any relevant professional evaluations  
22 shall be attached to the petition. The petition shall contain all of the following:

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

24 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the  
25 minor and his or her parents or guardian within 5 days ~~of~~ after admission.



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

2           51.13 (4) (d) Within 5 days ~~of~~ after the filing of the petition, the court assigned  
3 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
4 allegations of the petition and accompanying documents, ~~whether the admission is~~  
5 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~  
6 ~~there is a prima facie showing that the minor is in need of psychiatric services, or~~  
7 ~~services for developmental disability, alcoholism, or drug abuse, that the treatment~~  
8 ~~facility offers inpatient therapy or treatment ~~which~~ that is appropriate to the minor's~~  
9 ~~needs, and that inpatient care in the treatment facility is the least restrictive therapy~~  
10 ~~or treatment consistent with the needs of the minor, and, if the minor is 14 years of~~  
11 ~~age or older and has been admitted to the treatment facility for the primary purpose~~  
12 ~~of treatment for mental illness or developmental disability, whether the admission~~  
13 ~~is voluntary on the part of the minor.~~ If such a showing is made, the court shall  
14 permit voluntary admission. If the court is unable to make ~~such~~ those  
15 determinations based on the petition and accompanying documents, ~~it shall~~ the  
16 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information  
17 to be produced as ~~it deems necessary~~ for the court to make ~~such~~ review, and make  
18 ~~such~~ those determinations within 14 days ~~of~~ after admission or application for  
19 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days ~~of~~ after  
20 admission or application for admission, whichever is sooner. If a notation of the  
21 minor's unwillingness appears on the face of the petition, or if a hearing has been  
22 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall  
23 hold a hearing to review the admission within 14 days ~~of~~ after admission or  
24 application for admission, whichever is sooner, and shall appoint counsel to

1 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it  
2 necessary, ~~it the court~~ shall also appoint a guardian ad litem to represent the minor.

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

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

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

21 51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted  
22 for the primary purpose of treatment for mental illness or developmental disability.

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

24 51.13 (6) (a) A minor may be admitted to an inpatient treatment facility  
25 without review of the application under sub. (4) for diagnosis and evaluation or for

1 dental, medical, or psychiatric services for a period not to exceed 12 days. The  
2 application for short-term admission of a minor shall be executed by the minor's  
3 parent or guardian, and by the minor if he or she, if the minor is 14 years of age or  
4 older and is being admitted for the primary purpose of diagnosis, evaluation, or  
5 services for mental illness or developmental disability, by the minor. A minor may  
6 not be readmitted to an inpatient treatment facility for psychiatric services under  
7 this paragraph within 120 days of a previous admission under this paragraph.

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

9 51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
10 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care  
11 and treatment primarily for mental illness or developmental disability, the director  
12 of the facility shall request the minor and the minor's parent or guardian to execute  
13 an application for voluntary admission. Such an application may be executed within  
14 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
15 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
16 been held within the last 120 days. If the application is not executed by the time of  
17 the minor's 14th birthday, the minor shall be discharged unless a petition or  
18 statement is filed for emergency detention, emergency commitment, involuntary  
19 commitment, or protective placement by the end of the next day in which the court  
20 transacts business.

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

22 51.13 (7) (b) Any minor 14 years of age or ~~over~~ older who is voluntarily admitted  
23 under this section for the primary purpose of treatment for mental illness or  
24 developmental disability, and any minor who is voluntarily admitted under sub. (1)  
25 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age

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

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

13 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
14 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
15 and who is not discharged under par. (b), and any minor under 14 years of age who  
16 is voluntarily admitted under this section for the primary purpose of treatment for  
17 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
18 discharged under par. (b), may submit a written request to the court for a hearing  
19 to determine the continued appropriateness of the admission. If the director or staff  
20 of the inpatient treatment facility to which a minor under the age of 14 described in  
21 this paragraph is admitted observes conduct by the minor which that demonstrates  
22 an unwillingness to remain at the facility, including but not limited to a written  
23 expression of opinion or unauthorized absence, the director shall file a written  
24 request with the court to determine the continued appropriateness of the admission.  
25 A request ~~which that~~ is made personally by a minor under this paragraph shall be

1 signed by the minor but need not be written or composed by ~~him or her~~ the minor.  
2 A request for a hearing under this paragraph ~~which~~ that is received by staff or the  
3 director of the facility in which the child is admitted shall be filed with the court by  
4 the director. The court shall order a hearing upon request if no hearing concerning  
5 the minor's admission has been held within 120 days of after receipt of the request.  
6 The court shall appoint counsel and, if the court ~~deems~~ considers it necessary, a  
7 guardian ad litem to represent the minor and if a hearing is held shall hold the  
8 hearing within 14 days of after the request, unless the parties agree to a longer  
9 period. After the hearing, the court shall make disposition of the matter in the  
10 manner provided in sub. (4).

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

12 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
13 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
14 s. 51.42 or 51.437 serving the person's county of residence, or through the  
15 department if the person to be admitted is a nonresident of this state. Admissions  
16 through a county department under s. 51.42 or 51.437 shall be made in accordance  
17 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
18 be made in accordance with sub. (3).

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

20 51.35 (3) (a) A licensed psychologist of a secured correctional facility ~~or,~~ a  
21 secured child caring institution, or a secured group home, or a licensed physician of  
22 the department of corrections, who has reason to believe that any individual confined  
23 in the secured correctional facility, secured child caring institution, or secured group  
24 home is, in his or her opinion, in need of services for developmental disability,  
25 alcoholism, or drug dependency or in need of psychiatric services, and who has

1 obtained voluntary consent to make a transfer for treatment, shall make a report,  
2 in writing, to the superintendent of the secured correctional facility, secured child  
3 caring institution, or secured group home, stating the nature and basis of the belief  
4 and verifying the consent. In the case of a minor age 14 ~~and over~~ or older who is in  
5 need of services for developmental disability or who is in need of psychiatric services,  
6 the minor and the minor's parent or guardian shall consent unless the minor is  
7 admitted under s. 51.13 (1) (c); ~~and in 1.~~ In the case of a minor age 14 or older who  
8 is in need of services for alcoholism or drug dependency or a minor under the age of  
9 14 who is in need of services for developmental disability, alcoholism, or drug  
10 dependency or in need of psychiatric services, only the minor's parent or guardian  
11 need consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent  
12 shall inform, orally and in writing, the minor and the minor's parent or guardian,  
13 that transfer is being considered and shall inform them of the basis for the request  
14 and their rights as provided in s. 51.13 (3). If the department of corrections, upon  
15 review of a request for transfer, determines that transfer is appropriate, that  
16 department shall immediately notify the department of health and family services  
17 and, if the department of health and family services consents, the department of  
18 corrections may immediately transfer the individual. The department of health and  
19 family services shall file a petition under s. 51.13 (4) (a) in the court assigned to  
20 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
21 is located.

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

23 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
24 shall determine, based on the allegations of the petition and accompanying  
25 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~

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

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

18 51.35 (3) (c) A licensed psychologist of a secured correctional facility ~~or~~ a  
19 secured child caring institution, or a secured group home, or a licensed physician of  
20 the department of corrections, who has reason to believe that any individual confined  
21 in the secured correctional facility, secured child caring institution, or secured group  
22 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
23 disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally  
24 ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an  
25 alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written

1 report with the superintendent of the secured correctional facility, secured child  
2 caring institution, or secured group home, stating the nature and basis of the belief.  
3 If the superintendent, upon review of the allegations in the report, determines that  
4 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
5 in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
6 where the secured correctional facility, secured child caring institution, or secured  
7 group home is located. The court shall hold a hearing according to procedures  
8 provided in s. 51.20 or 51.45 (13).

9 **SECTION 1967i.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act  
10 9, section 1558d, and 2001 Wisconsin Act ... (this act), is repealed and recreated to  
11 read:

12 51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
13 child caring institution, or a secured group home, or a licensed physician of the  
14 department of corrections, who has reason to believe that any individual confined in  
15 the secured correctional facility, secured child caring institution, or secured group  
16 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
17 disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is  
18 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with  
19 the superintendent of the secured correctional facility, secured child caring  
20 institution, or secured group home, stating the nature and basis of the belief. If the  
21 superintendent, upon review of the allegations in the report, determines that  
22 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
23 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
24 secured correctional facility, secured child caring institution, or secured group home



1 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
2 or 51.45 (13).

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

4 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
5 facility under par. (a) for the purpose of receiving services for developmental  
6 disability or psychiatric services may request in writing a return to the secured  
7 correctional facility, secured child caring institution, or secured group home. In the  
8 case of a minor 14 years of age or older who is transferred to a treatment facility  
9 under par. (a) for the purpose of receiving services for alcoholism or drug dependency  
10 or a minor under 14 years of age, who is transferred to a treatment facility under par.  
11 (a) for the purpose of receiving services for developmental disability, alcoholism, or  
12 drug dependency, or psychiatric services, the parent or guardian may make the  
13 request. Upon receipt of a request for return from a minor 14 years of age or ~~over~~  
14 older, the director shall immediately notify the minor's parent or guardian. The  
15 minor shall be returned to the secured correctional facility, secured child caring  
16 institution, or secured group home within 48 hours after submission of the request  
17 unless a petition or statement is filed for emergency detention, emergency  
18 commitment, involuntary commitment, or protective placement.”.

19 **√970.** Page 656, line 10: after that line insert:

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

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

22 51.375 (2) (b) The department may administer a lie detector test to a sex  
23 offender as part of the sex offender's programming, care, or treatment. A patient may  
24 refuse to submit to a lie detector test under this paragraph. This refusal does not

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

12 ✓ **971.** Page 656, line 11: delete lines 11 to 22 and substitute:

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

14 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other  
15 drug abuse treatment services provided under subd. 4. are insufficient to meet the  
16 needs of all eligible individuals, ensure that first priority for services is given to  
17 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent  
18 and that second priority be given to individuals who are 20 years of age and were  
19 eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but became  
20 ineligible for the program solely because they attained the age of 20.

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

22 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services  
23 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,  
24 ensure that first priority for services is given to individuals who are 20 years of age

1 and were eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but  
2 became ineligible for the program solely because they attained the age of 20.”.

3 ✓ **972.** Page 658, line 7: after that line insert:

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

5 51.421 (3) (e) Distribute, from the appropriation under s. 20.435 (7) (bL),  
6 \$1,000,000 in each fiscal year for community support program services.”.

7 ✓ **973.** Page 660, line 5: after that line insert:

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

9 51.61 (1) (g) 3m. Following a final commitment order for a subject individual  
10 who is determined to meet the commitment standard under s. 51.20 (1) (a) 2. e., the  
11 court shall issue an order permitting medication or treatment to be administered to  
12 the individual regardless of his or her consent. ~~This subdivision does not apply after~~  
13 ~~November 30, 2001.”.~~

14 ✓ **974.** Page 660, line 5: after that line insert:

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

16 **51.47 (title) Alcohol and other drug abuse treatment for minors**  
17 **without parental consent.**

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

19 51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
20 facility licensed, approved, or certified by the state for the provision of health services  
21 may render preventive, diagnostic, assessment, evaluation, or treatment services for  
22 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
23 obtaining the consent of or notifying the minor’s parent or guardian and may render  
24 those services to a minor under 12 years of age without obtaining the consent of or

1 notifying the minor's parent or guardian, but only if a parent with legal custody or  
2 guardian of the minor under 12 years of age cannot be found or there is no parent with  
3 legal custody of the minor under 12 years of age. An assessment under this  
4 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of  
5 the minor's parent or guardian is required under sub. (2), the physician or health  
6 care facility shall obtain the minor's consent prior to billing a 3rd party for services  
7 under this section. If the minor does not consent, the minor shall be solely  
8 responsible for paying for the services, which the department shall bill to the minor  
9 under s. 46.03 (18) (b).

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

11 **51.48 Alcohol and other drug testing of minors, assessment, and**  
12 **treatment of minor without minor's consent.** A minor's parent or guardian may  
13 consent to have the minor tested for the presence of alcohol or other drugs in the  
14 minor's body or to have the minor assessed by an approved treatment facility for the  
15 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547  
16 (4). If, based on the assessment, the approved treatment facility determines that the  
17 minor is in need of treatment for the abuse of alcohol or other drugs, the approved  
18 treatment facility shall recommend a plan of treatment that is appropriate for the  
19 minor's needs and that provides for the least restrictive form of treatment consistent  
20 with the minor's needs. That treatment may consist of outpatient treatment, day  
21 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient  
22 treatment. The parent or guardian of the minor may consent to the treatment  
23 recommended under this section. Consent of the minor is not required for testing,  
24 assessment, or treatment under this section is not required.

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

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

23           ✓**975.** Page 660, line 5: after that line insert:

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

1           59.08 (9) The ballot shall have on the back or reverse side the endorsements  
2 provided by law for ballots for general elections and shall be marked, ~~punched or~~  
3 ~~labeled~~ by the elector and counted and canvassed as other ballots cast on questions  
4 in the county are counted and canvassed. The election shall be conducted by the  
5 same officers and in the same manner as are other elections in the county. The  
6 results of the election shall be certified to the judges of the circuit courts for the  
7 counties.”.

8           ✓ **976.** Page 660, line 5: after that line insert:

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

11           51.61 (1) (cm) 1. ~~Have~~ Patients have an unrestricted right to send sealed mail  
12 and receive sealed mail to or from legal counsel, the courts, ~~governmental~~  
13 ~~government~~ officials, private physicians, and licensed psychologists, and have  
14 reasonable access to letter writing materials including postage stamps. A patient  
15 shall also have a right to send sealed mail and receive sealed mail to or from other  
16 persons, subject to physical examination in the patient’s presence if there is reason  
17 to believe that such communication contains contraband materials or objects ~~which~~  
18 that threaten the security of patients, prisoners, or staff. Such reasons shall be  
19 written in the individual’s treatment record. The officers and staff of a facility may  
20 not read any mail covered by this ~~paragraph~~ subdivision.

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

22           51.61 (1) (cm) Have the rights specified under subd. 1. to send and receive  
23 sealed mail, subject to the limitations specified under subd. 2.

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

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

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

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

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

18           51.61 (1) (i) 1. Except as provided in subd. 2., have a right to be free from  
19 physical restraint and isolation except for emergency situations or when isolation or  
20 restraint is a part of a treatment program. Isolation or restraint may be used only  
21 when less restrictive measures are ineffective or not feasible and shall be used for  
22 the shortest time possible. When a patient is placed in isolation or restraint, his or  
23 her status shall be reviewed once every 30 minutes. Each facility shall have a written  
24 policy covering the use of restraint or isolation ~~which~~ that ensures that the dignity  
25 of the individual is protected, that the safety of the individual is ensured, and that

1 there is regular, frequent monitoring by trained staff to care for bodily needs as may  
2 be required. Isolation or restraint may be used for emergency situations only when  
3 it is likely that the patient may physically harm himself or herself or others. The  
4 treatment director shall specifically designate physicians who are authorized to  
5 order isolation or restraint, and shall specifically designate licensed psychologists  
6 who are authorized to order isolation. ~~In the instance where~~ If the treatment director  
7 is not a physician, the medical director shall make the designation. In the case of a  
8 center for the developmentally disabled, use shall be authorized by the director of the  
9 center. The authorization for emergency use of isolation or restraint shall be in  
10 writing, except that isolation or restraint may be authorized in emergencies for not  
11 more than one hour, after which time an appropriate order in writing shall be  
12 obtained from the physician or licensed psychologist designated by the director, in  
13 the case of isolation, or the physician so designated in the case of restraint.  
14 Emergency isolation or restraint may not be continued for more than 24 hours  
15 without a new written order. Isolation may be used as part of a treatment program  
16 if it is part of a written treatment plan, and the rights specified in this subsection are  
17 provided to the patient. The use of isolation as a part of a treatment plan shall be  
18 explained to the patient and to his or her guardian, if any, by the person who  
19 ~~undertakes such~~ provides the treatment. ~~Such~~ A treatment plan ~~that incorporates~~  
20 isolation shall be evaluated at least once every 2 weeks. Patients who have a recent  
21 history of physical aggression may be restrained during transport to or from the  
22 facility. Persons who are committed or transferred under s. 51.35 (3) or 51.37 or  
23 under ch. 971 or 975, or who are detained or committed under ch. 980, and who, while  
24 under this status, are transferred to a hospital, as defined in s. 50.33 (2), for medical  
25 care may be isolated for security reasons within locked facilities in the hospital.



1 Patients who are committed or transferred under s. 51.35 (3) or 51.37 or under ch.  
2 971 or 975, or who are detained or committed under ch. 980, may be restrained for  
3 security reasons during transport to or from the facility.

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

5 51.61 (1) (i) 2. Patients in the maximum security facility at the Mendota Mental  
6 Health Institute may be locked in their rooms during the night shift and for a period  
7 of no longer than one hour and 30 minutes during each change of shift by staff to  
8 permit staff review of patient needs. Patients detained or committed under ch. 980  
9 and placed in a facility specified under s. 980.065 may be locked in their rooms during  
10 the night shift, if they reside in a maximum or medium security unit in which each  
11 room is equipped with a toilet and sink, or if they reside in a unit in which each room  
12 is not equipped with a toilet and sink and the number of patients outside their rooms  
13 equals or exceeds the number of toilets in the unit, except that patients who do not  
14 have toilets in their rooms must be given an opportunity to use a toilet at least once  
15 every hour, or more frequently if medically indicated. Patients in the maximum  
16 security facility at the Mendota Mental Health Institute, or patients detained or  
17 committed under ch. 980 and placed in a facility specified under s. 980.065, may also  
18 be locked in their rooms on a unit-wide or facility-wide basis as an emergency  
19 measure as needed for security purposes to deal with an escape or attempted escape,  
20 the discovery of a dangerous weapon in the unit or facility or the receipt of reliable  
21 information that a dangerous weapon is in the unit or facility, or to prevent or control  
22 a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation  
23 order may only be authorized by the director of the unit or ~~maximum security~~ facility  
24 where the order is applicable or his or her designee and shall. A unit-wide or  
25 facility-wide emergency isolation order affecting the Mendota Mental Health

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

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

19 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or  
20 taped, unless the patient signs an informed and voluntary consent ~~which~~ that  
21 specifically authorizes a named individual or group to film or tape the patient for a  
22 particular purpose or project during a specified time period. The patient may specify  
23 in such consent periods during which, or situations in which, the patient may not be  
24 filmed or taped. If a patient is legally incompetent, such consent shall be granted on  
25 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the

1 Mendota Mental Health Institute, or a patient detained or committed under ch. 980  
2 and placed in a facility specified under s. 980.065, may be filmed or taped for security  
3 purposes without the patient's consent, except that such a patient may not be filmed  
4 in patient bedrooms or bathrooms for any purpose without the patient's consent.”.

5 ✓ **977.** Page 660, line 5: after that line insert:

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

7 **59.01 Body corporate; status.** Each county in this state is a body corporate,  
8 authorized to sue and be sued, to acquire and hold, lease or rent real and personal  
9 estate for public uses or purposes, including lands acquired under ch. 75, to sell, lease  
10 and convey the same, including the authority to enter into leases or contracts with  
11 the state for a period of years for the uses and purposes specified in ~~s.~~ ss. 23.09 (2)  
12 (d) and 28.02 (2), to make such contracts and to do such other acts as are necessary  
13 and proper to the exercise of the powers and privileges granted and the performance  
14 of the legal duties charged upon it.”.

15 **978.** Page 665, line 7: after that line insert:

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

17 ~~59.52 (6) (a) *How acquired; purposes.* Take and hold land acquired under ch.~~  
18 ~~75 and acquire, lease or rent property, real and personal, for public uses or purposes~~  
19 ~~of any nature, including without limitation acquisitions for county buildings,~~  
20 ~~airports, parks, recreation, highways, dam sites in parks, parkways and~~  
21 ~~playgrounds, flowages, sewage and waste disposal for county institutions, lime pits~~  
22 ~~for operation under s. 59.70 (24), equipment for clearing and draining land and~~  
23 ~~controlling weeds for operation under s. 59.70 (18), ambulances, acquisition and~~  
24 ~~transfer of real property to the state for new collegiate institutions or research~~