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adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

This process, however, does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employes if WERC determines that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and to maintain all of the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings.

This bill provides that a QEO need only provide substantially similar health care benefits, not all of the health care benefits.

*** ANALYSIS FROM -2338/1 ***

EMPLOYMENT

This bill changes the collective bargaining law covering collective bargaining units that consist of members of a police department who are employed by cities of the 1st class (currently, only the city of Milwaukee). (The bill authorizes an arbitrator to establish a system for conducting interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days, if the interrogations could lead to disciplinary action, demotion, or dismissal. Under the bill, "working days" are all days except Saturday, Sunday, and certain legal holidays. Under current law, an arbitrator is appointed to resolve any collective bargaining dispute between the city and the members of the police department when the parties have reached an impasse on matters relating to wages, hours, and conditions of employment, as determined by the employment relations commission.)

WERC

*** ANALYSIS FROM -1891/4 ***

EMPLOYMENT

Under current law, the national and community service board, which is attached to DOA for administrative purposes, administers at the state level the federal National and Community Service Trust Act of 1993, under which the federal government provides funding for national service programs that address unmet human, educational, environmental, and public safety needs and for educational grants to persons who successfully complete their term of service in a national service program. This bill transfers that board to DWD.

GMM

Under current law, the Wisconsin conservation corps (WCC) employs young adults to work on conservation and human services activities. The WCC program is administered by the WCC board, which may delegate its administration responsibilities to the executive secretary of the board. This bill eliminates the WCC board and the position of executive secretary of the board and transfers administration of the WCC program to DWD. The bill also creates a WCC council to advise DWD in developing guidelines, standards, and procedures for the administration of the WCC program, including guidelines for selecting WCC projects and standards and procedures for the selection, hiring, promotion, discipline, and termination of WCC enrollees.

The bill also requires DWD to work with a nonprofit corporation that provides education, employment skills, and career direction leading to economic self-sufficiency to young people in Dane County who are at risk of not achieving economic self-sufficiency to develop a plan to track the educational attainment of persons enrolled in the WCC program, consolidate the functions of the WCC program, add educational and training components to the WCC program, provide a method for determining the location and number of crews working on WCC projects, and improve the retention of persons enrolled in the WCC program.

*** ANALYSIS FROM -0671/4 ***

EMPLOYMENT

~~Under current law, the Wisconsin conservation corps (WCC) employs young adults to work on conservation and human services activities (corps enrollees). A corps enrollee who is employed by the WCC for a continuous six-month period and who receives a satisfactory evaluation is entitled to an education voucher that the corps enrollee may use, for three years after its issuance, to pay tuition and fees at an institution of higher education. A corps enrollee who has been a crew leader or a regional crew leader for at least two years is also entitled to group health care coverage. The WCC is governed by a board consisting of seven members, one of whom must be a member of a local workforce development board. This bill permits a corps enrollee to use an education voucher for four years after its issuance. In addition, the bill lowers to six months the period for which a corps enrollee must have been a crew leader or a regional crew leader to be eligible for group health care coverage. Finally, the bill permits an employee of a local workforce development board to serve on the WCC board.~~

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WCC

The bill also

*** ANALYSIS FROM -1835/1 ***

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EMPLOYMENT

the amount

Under current law, DWD may fix and collect a reasonable fee for issuing child labor permits, street trade permits, and certificates of age for minors. DWD has fixed that fee by rule at \$5, 50% of which may be retained by a permit officer who is not employed by DWD and 50% of which must be forwarded by such a permit officer to DWD. This bill increases that fee to \$7.50 and requires a permit officer who is not employed by DWD to forward \$5 of that fee, and a permit officer who is employed by DWD to forward the ~~entirety of that~~ fee, to DWD, which must deposit that forwarded ~~amount~~ in the general fund and credit \$2.50 of that ~~forwarded~~ amount to an appropriation account created by the bill to pay for the expenses of providing an automated child labor permit system and for other operational expenses of the division of equal rights in DWD.

*** ANALYSIS FROM -2009/1 ***

EMPLOYMENT

Under current law, the governor's work-based learning board (board), ~~which is attached to DWD~~, is required to provide a youth apprenticeship program that includes training grants to employers that provide paid on-the-job training and supervision for youth apprentices. This bill limits eligibility for a youth apprenticeship training grant to small employers, as determined by the board, and to employers providing on-the-job training in employment areas determined by the board.

from DWD to

transfers responsibility for providing

Under current law, DWD provides a job center network throughout the state through which job seekers may receive comprehensive career planning, job placement, and job training information. As part of the job center network, DWD provides career counseling centers at which youths may receive access to comprehensive career education and job training information and assistance in locating apprenticeship and other work experience opportunities that are related to the youth's education. This bill ~~eliminates the authority of DWD to provide career counseling centers and instead requires~~ the board to provide those centers.

*** ANALYSIS FROM -1834/2 ***

EMPLOYMENT

Under current law, there is created in DWD a division of workforce excellence, and the administrator of that division is a member of the ~~governor's work-based learning~~ board. This bill eliminates that division and substitutes as a member of the

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governor's work-based learning board an administrator of a division in DWD, designated by the governor.

*** ANALYSIS FROM -0360/2 ***
ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

sub heading

local governmental unit and contaminated property
Current law authorizes a local governmental unit that owns property that is contaminated with hazardous substances to initiate a process for negotiating about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. The negotiations are conducted by an umpire. If an agreement is reached, it is binding on the parties. If an agreement is not reached, the umpire makes a recommendation that may be accepted or rejected by the parties. If the local governmental unit accepts the recommendation and another party rejects the recommendation, the local governmental unit may sue that party to attempt to recover a portion of the investigation and remedial action costs. If the local governmental unit recovers an amount equal to or exceeding the amount that the party would have paid under the umpire's recommendation, the local governmental unit may recover interest and litigation costs.

clean-up

This bill modifies the local governmental unit cost-recovery process. The bill expands the applicability of the process so that it may be used by a local governmental unit that does not own a contaminated property if the local governmental unit is responsible for some of the contamination at the site or facility and commits itself to paying more than 50% of the investigation and remedial action costs, less any financial assistance received from this state, for the contaminated property. Under this bill, DNR determines how contamination will be remedied, after considering a proposal from the local governmental unit, and the negotiations only relate to the amount that each responsible party will contribute toward the investigation and remedial action costs. This bill requires a person who transported hazardous substances to the contaminated property to provide records about the transport and disposal of waste at the property or, if the records are no longer available, to cooperate in providing information that will aid in the process of allocating costs. If a transporter cooperates, the amount of costs allocated to the transporter are limited. If a transporter fails to cooperate, the amount of costs allocated to the transporter may be increased. The bill provides for public hearings during the negotiation and cost-recovery process.

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cooperates in providing information

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***** ANALYSIS FROM -1308/3 *****
ENVIRONMENT

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Current law generally exempts a local governmental unit from these clean-up requirements with respect to hazardous substance discharges on property acquired in specified ways, such as through tax delinquency proceedings and condemnation.

with respect to

This bill provides that a local governmental unit is exempt from solid waste management standards and other legal requirements relating to solid waste for a property that was acquired in a way that would qualify for the exemption from clean-up requirements, except that the exemption from solid waste requirements does not apply to a solid waste facility that was operated by the local governmental unit or owned by the local governmental unit while it was operated or to landfills.

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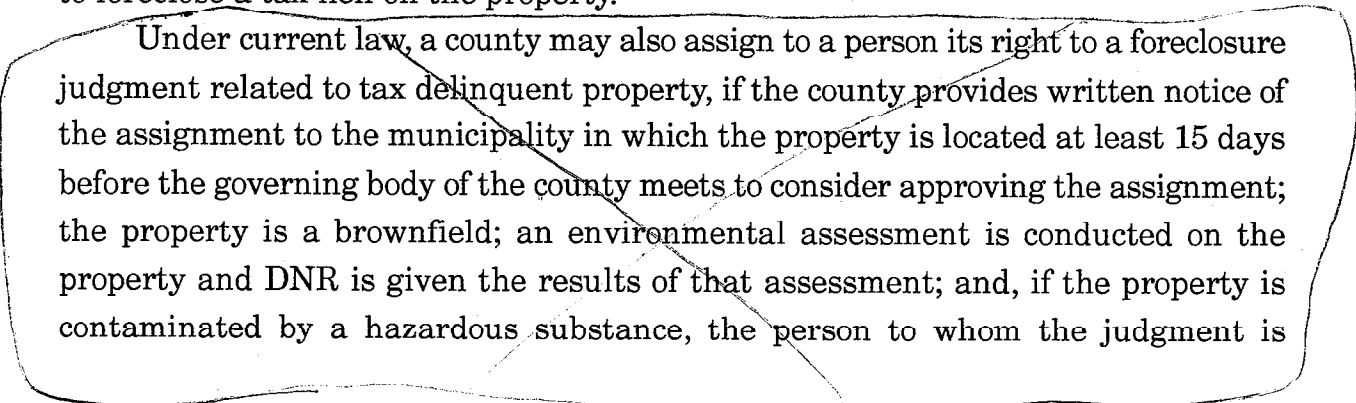
***** ANALYSIS FROM -1314/2 *****
ENVIRONMENT

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Under current law, if a person does not pay the tax that is due on the person's real property before September 1, the county treasurer must issue a tax certificate to the county that relates to the property. The issuance of a tax certificate begins the redemption period during which the person may retain the person's property by paying the delinquent taxes. In most cases, the redemption period is two years. If the property owner does not pay the delinquent taxes before the redemption period expires, the county may acquire the property by taking a tax deed on the property, by commencing an action to foreclose the tax certificate, or by commencing an action to foreclose a tax lien on the property.

Joe may already have eliminated the titled bonds in case he didn't...

Under current law, a county may also assign to a person its right to a foreclosure judgment related to tax delinquent property, if the county provides written notice of the assignment to the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving the assignment; the property is a brownfield; an environmental assessment is conducted on the property and DNR is given the results of that assessment; and, if the property is contaminated by a hazardous substance, the person to whom the judgment is



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~~assigned agrees to clean up, maintain, and monitor the property according to rules that are promulgated by DNR.~~

Under this bill, after the redemption period on tax delinquent property expires, the county may transfer the property to a person by executing a tax deed to that person, if the county provides written notice of the transfer to the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving executing the tax deed; the property is a brownfield; an environmental assessment has been conducted on the property and DNR is given the results of that assessment; and, if the property is contaminated by a hazardous substance, the person to whom the tax deed is executed agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

*** ANALYSIS FROM -1315/2 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

any tax delinquent
~~Under current law, a county may ~~commence an action in court to foreclose a tax lien on property for which taxes are delinquent.~~ If the county prevails in the action, the court enters a judgment which grants the county ownership of the property. The county may then sell the property by using a competitive bidding process by which the county ~~may~~ accept the best bid, but ~~must~~ reject any bid that is less than the property's appraised value.~~

it acquires
~~Under current law, rather than take possession of the property, the county may assign to a person its right to the foreclosure judgment related to the property, if the county provides written notice of the assignment to the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving the assignment; the property is a brownfield; an environmental assessment is conducted on the property and DNR is given the results of that assessment; and, if the property is contaminated by a hazardous substance, the person to whom the judgment is assigned agrees to clean up, maintain and monitor the property according to rules that are promulgated by DNR.~~

Under this bill, a county that acquires tax delinquent property may sell the property without using a competitive bidding process, if the county provides written notice of the sale to the municipality in which the property is located at least 15 days before the sale; the property is contaminated by a hazardous substance; the property is a brownfield; an environmental assessment has been conducted on the property

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and DNR is given the results of that assessment; and the purchaser of the property agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

*** ANALYSIS FROM -1310/1 ***

ENVIRONMENT

subsubheading

Liability exemptions

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in soil on property possessed or controlled by the person if the discharge originated from a source off of the property and other specified conditions are satisfied, including that the person agrees to allow access to the property so that someone else can conduct a cleanup, the person agrees to avoid actions that worsen the discharge, and the person agrees to any other condition necessary to ensure that an adequate cleanup can be conducted.

This bill specifies that the liability exemption for soil contamination that originates off of ^athe property applies to hazardous substances in sediments *on the property*.

*** ANALYSIS FROM -1311/1 ***

ENVIRONMENT

For hazardous substance discharges

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a person who applies to DNR for an exemption from ~~this liability~~ ^{called} (a voluntary party) is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law would impose greater responsibilities on the voluntary party or

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if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

*bill
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This ~~party~~ modifies the voluntary party liability exemption so that the requirement to maintain and monitor the property as required by DNR only applies to a voluntary party ~~if~~ the voluntary party owns or controls the property. The bill specifies that the voluntary party liability exemption continues to apply to a voluntary party who does not own or control the property if the person who owns or controls the property fails to maintain and monitor the property as required by DNR.

*** ANALYSIS FROM -0332/2 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

~~Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a person, called a voluntary party, is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law would impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge. Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in groundwater or soil on the person's property if the discharge originated from a source off of the property, the person agrees to allow access to the property so that someone else can conduct a cleanup, and the person agrees to any other condition necessary to ensure that an adequate cleanup can be conducted.~~

~~Under current law, for a property affected by an off-site discharge that has contaminated the groundwater and by discharges of other hazardous substances, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if an~~

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environmental investigation of the property is conducted; the property is cleaned up, except with respect to the discharge that originated off-site; DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the discharge that originated off-site; DNR determines in writing that the voluntary party qualifies for the off-site exemption; and the voluntary party maintains and monitors the property as required by DNR.

From This bill expands the voluntary party exemption from liability related to groundwater contamination ~~by~~ an off-site discharge so that it also applies to property on which the soil is contaminated by an off-site discharge.

*** ANALYSIS FROM -1312/2 ***

ENVIRONMENT

Voluntary party

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

~~Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a person who applies for a liability exemption is exempt from absolute requirements to restore the environment and minimize the harmful effects of a discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, except with respect to a substance in groundwater that DNR determines will naturally attenuate, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge except with respect to the substance that DNR has determined will naturally attenuate, the voluntary party maintains and monitors the property as required by DNR, and, if required by DNR, the voluntary party obtains insurance to cover the costs of cleanup if natural attenuation fails.~~

This bill provides that to qualify for the liability exemption for property on which DNR determines that natural attenuation will successfully complete the cleanup, a voluntary party who owns the property must provide access to the property for the purpose of determining whether natural attenuation has failed and, if so, to allow someone else clean up the property.

*** ANALYSIS FROM -1309/1 ***

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ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Under current law, a person, called a voluntary party, is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law would impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

Also, under current law, a voluntary party is exempt from liability with respect to the existence of a hazardous substance on property if the hazardous substance is discovered in the course of a cleanup and if the voluntary party has obtained insurance to cover the costs of cleaning up hazardous substances discovered in the course of the cleanup. This bill eliminates this exemption from liability.

*** ANALYSIS FROM -1815/7 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

subsubheading

→ Petroleum storage remedial action

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. This bill makes several changes in the laws related to PECFA.

Under current law, this state issues revenue bonds to fund a portion of the PECFA costs. This bill increases the PECFA revenue bonding limit by \$100,000,000.

Under current law, PECFA provides reimbursement for some interest costs incurred by applicants. Under this bill, with certain exceptions, if an applicant submits the final PECFA claim later than the 60th day after completing all remedial ^{cleanup} activities, the applicant is ineligible for reimbursement for interest costs incurred after that day; if cleanup activities are not completed within ten years after the investigation of the discharge was completed, the applicant is ineligible for

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reimbursement for interest costs incurred after that ten-year period; and if an investigation was completed more than five years after the applicant notified the department of commerce about the discharge or more than two years after this bill becomes effective, whichever is later, the applicant is ineligible for reimbursement for interest costs incurred after the later of those periods. These provisions limiting interest cost reimbursement do not apply to applicants who receive federal or state financial assistance, other than under PECFA, and who either are local governmental units or are engaged in brownfields redevelopment.

A brownfield is an abandoned, idle, or underused industrial or commercial facility or site, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.

Under current law, DNR oversees the cleanup of high-risk sites under PECFA, and the department of commerce oversees the cleanup of other sites. Under this bill, a high-cost site is a site at which more than \$200,000 in eligible costs under PECFA have been incurred. Under the bill, the department of commerce oversees the cleanup of a site that becomes a high-cost site after November 30, 2001, once more than \$400,000 in eligible costs under PECFA have been incurred or it has been more than seven years since the investigation of the discharge was completed. The bill imposes requirements on DNR and the department of commerce to oversee cleanups so that cleanup activities are completed at high-cost sites within specified periods but the requirements do not apply to sites owned by applicants who receive federal or state financial assistance, other than under PECFA, and who either are local governmental units or are engaged in brownfields redevelopment.

have elapsed

*** ANALYSIS FROM -0662/3 ***

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. Farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least \$6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least \$18,000 during the three years before application, and if the owner

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~~received a letter from DNR or the department of commerce indicating that the owner must conduct a cleanup.~~

and This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within one year after he or she transferred ownership of the land, ~~if the land produced gross farm profits of at least \$6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least \$18,000 during the three years before the owner transferred ownership of the land,~~ ~~and if the owner received a letter indicating that the owner must conduct a cleanup.~~

This bill also provides that a farm tank owner is only eligible for PECFA coverage if the farm tank is located on the parcel of land that meets the gross profits test.

*** ANALYSIS FROM -1881/4 ***

sub sub heading -> Other hazardous substances and environmental cleanup
ENVIRONMENT
HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, DNR administers a program under which DNR provides brownfield site assessment grants to local governmental units. The grants may be used for such activities as investigating environmental contamination, asbestos abatement activities, and removing abandoned underground storage tanks.

This bill transfers the brownfield site assessment grant program to the department of commerce. ~~Under the bill, the program is funded from the same appropriation as the brownfields grant program already administered by the department of commerce. The bill requires the department of commerce to allocate \$1,000,000 for the brownfield site assessment grant program in fiscal year 2001-02.~~

Under current law, DNR administers the sustainable urban development zone program. Under the program, DNR provides funds to the city of Beloit, the city of Green Bay, the city of La Crosse, the city of Milwaukee, and the city of Oshkosh to investigate environmental contamination and to conduct cleanups of brownfields in those cities.

This bill eliminates the sustainable urban development zone program.

*** ANALYSIS FROM -0980/2 ***

*Ret***ENVIRONMENT****~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~**

Current law authorizes the issuance of general obligation bonds to pay for actions taken to clean up the environment under specified programs administered by DNR. This bill increases the general obligation bonding authority for these clean-up programs by \$5,000,000. Of this amount, \$2,000,000 is allocated for cleanups in or adjacent to the Great Lakes or their tributaries.

*** ANALYSIS FROM -0321/5 ***

ENVIRONMENT**WATER QUALITY**

Under the clean water fund program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the clean water fund program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund program during that fiscal biennium. This bill sets the present value of the clean water fund program subsidies that may be provided during the 2001-03 biennium at \$90,000,000. The bill increases the general obligation bonding authority for the clean water fund program by \$65,000,000 when the bill is enacted and an additional \$20,000,000 on July 1, 2003. The bill also increases the revenue bonding authority for the clean water fund program by \$92,000,000.

Generally, under the clean water fund program, funds are allocated to a project as soon as the project is approved. However, if the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority available for a biennium is 85% or less of the amount requested in the biennial finance plan prepared by DOA and DNR, funding is allocated on the basis of a priority list and funding may only be provided in a fiscal year to projects for which an application is submitted by the June 30 preceding that fiscal year. This bill reduces the threshold for allocating funds based on a priority list from 85% to 75%.

Under the safe drinking water loan program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the safe drinking water loan program during that fiscal biennium. This bill

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~~sets the present value of the safe drinking water loan program subsidies that may be provided during the 2001-03 biennium at \$10,900,000.~~

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

* Under the land recycling loan program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites ~~owned by political subdivisions~~ where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 2001-03 biennium at \$9,110,000.

*** ANALYSIS FROM -0320/5 ***

~~ENVIRONMENT~~

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

* Under current law, DNR administers the dry cleaner environmental response program (DERP) which provides reimbursement for a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees ~~which are~~ paid by owners and operators of dry cleaning facilities. Under this bill, DERP provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from \$10,000 to \$76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased by an amount equal to 30 times the average license fee for the year in which the award is made and an amount equal to the average amount of solvent fees paid by operating dry cleaning facilities for that year. This bill eliminates the higher deductible for closed dry cleaning facilities.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

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Under a part of DERP, the owners of certain dry cleaning facilities are eligible for reimbursement for the costs of preliminary site screening and interim remedial equipment to begin the cleanup of dry cleaning discharges before the completion of full-site investigations and clean-up plans. Under this part of the program, the reimbursement for preliminary site screening and interim remedial equipment is 50% of the eligible costs, but not more than \$20,000, of which not more than \$3,000 may be for the cost of the preliminary site screening. This bill eliminates the part of DERP relating to preliminary site screening and interim remedial equipment.

***** ANALYSIS FROM -0330/3 *****

ENVIRONMENT

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HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

This bill authorizes DNR to require the owner of a contaminated property to restrict the use of the property, including groundwater on the property, as a condition of DNR issuing a determination that no further remedial action is necessary on the property. ~~if the property was required to be cleaned up and if DNR determines that the restriction is needed to prevent or restrict human exposure to environmental pollution or to protect the environment. A restriction must be recorded in the office of the register of deeds so that it will bind future owners. The bill authorizes DNR to enforce the restrictions and to authorize other governmental entities to enforce the restrictions.~~

to clean up

***** ANALYSIS FROM -0333/1 *****

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law authorizes DNR to cooperate with the federal environmental protection agency (EPA) in implementing the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act), which provides for the clean up of contaminated property. This bill authorizes DNR to accept the transfer of an interest in property that was acquired by EPA as part of a CERCLA cleanup. The bill also authorizes DNR to acquire an interest in property from any person as part of a cleanup conducted in cooperation with EPA if the acquisition is necessary to conduct the cleanup.

***** ANALYSIS FROM -0321/5 *****

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WATER QUALITY**

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Under the clean water fund program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the clean water fund program is a loan at a subsidized interest rate. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the clean water fund program during that fiscal biennium. This bill sets the present value of the clean water fund program subsidies that may be provided during the 2001-03 biennium at \$90,000,000. The bill increases the general obligation bonding authority for the clean water fund program by \$65,000,000 when the bill is enacted and an additional \$20,000,000 on July 1, 2003. The bill also increases the revenue bonding authority for the clean water fund program by \$92,000,000.

Generally, under the clean water fund program, funds are allocated to a project as soon as the project is approved. However, if the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority available for a biennium is 85% or less of the amount requested in the biennial finance plan prepared by DOA and DNR, funding is allocated on the basis of a priority list and funding may only be provided in a fiscal year to projects for which an application is submitted by the June 30 preceding that fiscal year. This bill reduces the threshold for allocating funds based on a priority list from 85% to 75%.

Under the safe drinking water loan program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the safe drinking water loan program during that fiscal biennium. This bill sets the present value of the safe drinking water loan program subsidies that may be provided during the 2001-03 biennium at \$10,900,000.

~~HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP~~

Under the land recycling loan program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites owned by political subdivisions where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are subsidized, so that recipients are not required to pay interest. The budget bill for each fiscal biennium establishes the present value of the

Inset from p. 134

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subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 2001-03 biennium at \$9,110,000.

*** ANALYSIS FROM -0286/3 ***

~~ENVIRONMENT~~

~~WATER QUALITY~~

more to p. 133

~~Under the clean water fund program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants.~~
Under current law, clean water fund financial assistance for a collection system or interceptor in an ~~unsewered local governmental unit or an unsewered area of a local governmental unit~~ is only eligible for subsidized financial assistance under the clean water fund program if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972. This bill eliminates the reference to October 17, 1972, and provides that clean water fund financial assistance for a collection system or interceptor in an ~~unsewered local governmental unit or an unsewered area of a local governmental unit~~ is only eligible for subsidized financial assistance under the clean water fund program if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on the date that is ten years before the day that DNR approves the facility plan for the project.

STOP HERE

*** ANALYSIS FROM -0367/3 ***

~~ENVIRONMENT~~

~~WATER QUALITY~~

Current law requires a person to obtain a permit *↓* from DNR for certain storm water discharges, including discharges of storm water from a municipal ~~separate~~ storm sewer system serving an incorporated area with a population of 100,000 or more. Federal law now requires states to require permits for additional municipal ~~separate~~ storm sewer systems.

This bill requires permits for additional municipal ~~separate~~ storm sewer systems, as required by federal law. Under this bill, the operator of a municipal ~~separate~~ storm sewer system must obtain a permit if one of the following applies:

1. The system serves an urbanized area, as determined by the U.S. bureau of the census.

6
p2 ms 2 *RET*

subsidies that may be provided under the land recycling loan program during that fiscal biennium. This bill sets the present value of the land recycling loan program subsidies that may be provided during the 2001-03 biennium at \$9,110,000.

*** ANALYSIS FROM -0286/3 ***

ENVIRONMENT

WATER QUALITY

Under the clean water fund program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. Under current law, clean water fund financial assistance for a collection system or interceptor in an ~~unsewered local governmental unit or an unsewered area of a local governmental unit~~ is only eligible for subsidized financial assistance under the clean water fund program if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972. This bill eliminates the reference to October 17, 1972, and provides that clean water fund financial assistance for a collection system or interceptor in an ~~unsewered local governmental unit or an unsewered area of a local governmental unit~~ is only eligible for subsidized financial assistance under the clean water fund program if at least two-thirds of the initial flow will be for wastewater originating from residences in existence on the date that is ten years before the day that DNR approves the facility plan for the project.

move to p. 183

START HERE

*** ANALYSIS FROM -0367/3 ***

ENVIRONMENT

WATER QUALITY

* Current law requires a person to obtain a permit from DNR for certain storm water discharges, including discharges of storm water from a municipal ~~separate~~ storm sewer system serving an incorporated area with a population of 100,000 or more. Federal law now requires states to require permits for additional municipal ~~separate~~ storm sewer systems.

* This bill requires permits for additional municipal ~~separate~~ storm sewer systems, as required by federal law. Under this bill, the operator of a municipal ~~separate~~ storm sewer system must obtain a permit if one of the following applies:

- 1. The system serves an urbanized area, as determined by the U.S. bureau of the census.

Sp 22 info 8

ISR

their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC-related MA. This category includes ~~children~~ *individuals who* under 19 years of age, their caretaker relatives, ~~and~~ *or* pregnant women ~~throughout the entire pregnancy who~~ *and who are either* meet the income and asset requirements of the AFDC program that were in effect on July, 16, 1996, but who would not have received an AFDC payment. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC-MA and AFDC-related MA categories.

START HERE

***** ANALYSIS FROM -0608/2 *****
HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, ~~to qualify for the medical assistance (MA) program~~ *Also* ~~an applicant must meet certain income and asset limits. DHFS must exclude certain assets when determining whether an applicant meets the asset limit. One of the assets that must be excluded is up to \$2,500 in an irrevocable burial trust.~~ *Specific*

This bill increases the limit on an irrevocable burial trust to \$3,300 on January 1, 2003.

*base
Move all from
-0316 to
Insert 1516-A*

***** ANALYSIS FROM -0316/3 *****

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Currently, DHFS is required to recover from the estate of certain medical assistance (MA) recipients the amount of MA paid on behalf of the recipient for certain MA services. ~~To recover these amounts, DHFS is authorized to place a lien on the home of a recipient if the recipient resides in a nursing home or in a hospital, and is required to contribute to the cost of care, if the recipient is not reasonably expected to return home, and one of following individuals does not reside in the home:~~ *Under current law, to recover the amount of MA paid on behalf of MA recipients*

1. The spouse of the recipient.
2. A child of the recipient, who is under 21 years of age or disabled.
3. A sibling of the recipient, who has an ownership interest in the home and has lived in the home continuously for at least 12 months before the recipient was admitted to the nursing home or hospital.

cont on next page

move to 156A

Current law prohibits DHFS from enforcing ^{the} a lien while the recipient is living unless the recipient sells the home and the recipient's spouse or the recipient's child who is under 21 or disabled is no longer living. DHFS may enforce the lien upon the death of the recipient if the following individuals do not survive the recipient:

1. The spouse of the recipient.
2. A child of the recipient, who is under 21 years of age or disabled.
3. A child of the recipient, who is of any age, who currently resides in the home, who has resided in the home for at least 24 months before the recipient was admitted to the nursing home or hospital, and who provided care to the recipient that delayed the recipient's admission into a nursing home or hospital.
4. A sibling of the recipient who currently resides in the home and who has resided in the home at least 12 months before the recipient was admitted to the nursing home or hospital.

Current law requires DHFS to notify the recipient in writing of its intent to impose a lien on the recipient's home and, if the recipient requests, provide the recipient with a hearing. If the recipient returns to live at home, DHFS must file a release of the lien.

^{to} Under this bill, DHFS ^{may} in addition to placing a lien on a recipient's home, place a lien on any other real property in which a MA recipient has an interest, ^{if the recipient resides in a nursing home, or in a hospital and is required to contribute to the cost of care, and the recipient is not reasonably expected to return home,} if the recipient resides in a nursing home, or in a hospital and is required to contribute to the cost of care, and the recipient is not reasonably expected to return home, DHFS may place a lien on any real property, other than the recipient's home, regardless of who resides in the real property, but DHFS may not enforce the lien while the recipient's spouse, or child who is under 21 years of age or disabled, survives the recipient.

currently obtain a lien for

Also under the bill, the requirements that DHFS notify the recipient in writing of its intent to place a lien on the recipient's home, provide the recipient with an opportunity for a hearing, and file a release of the lien if the recipient returns to live at home also apply if DHFS imposes a lien on the recipient's other real property.

*** ANALYSIS FROM -0465/3 ***
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

Currently, DHFS is required to recover from the estate of a medical assistance (MA) recipient who is not survived by a spouse or a child who is under 21 or disabled the following:

ASIR

1. The amount of MA paid on behalf of the recipient while the recipient resided in a hospital and was required to contribute to the cost of care or resided in a nursing home.

2. The amount of MA paid on behalf of a recipient after the recipient reached age 55 for home-based or community-based services, community-supported living, personal care services, and hospital and prescription drug services as defined by DHFS by rule.

* This bill expands the types of services that are subject to the estate recovery program to include all health care services for which MA was paid on behalf of the recipient after the recipient reached age 55. The bill requires that, if ~~the~~^{these} health care services were provided by a managed care organization, under a program of all-inclusive care for the elderly (PACE program) that provides health and social services to low-income elderly individuals at home, or under the Wisconsin partnership program which provides health care and long-term care services to low-income elderly and disabled individuals, DHFS must calculate the amount of MA as the capitation rate that was paid on behalf of the recipient. If the health care services were provided under family care, DHFS must calculate the amount of MA as the cost of the actual health care services that were paid for with MA. For all other services provided, DHFS is required to calculate the amount of MA on a fee-for-service basis.

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156-A

*** ANALYSIS FROM -2016/1 ***
~~HEALTH AND HUMAN SERVICES~~
~~MEDICAL ASSISTANCE~~

Under current law, medicare part A and part B beneficiaries who are ~~medical assistance (MA)~~ recipients with incomes at or below 100% of the federal poverty line or are elderly or disabled persons with low incomes and resources receive payment for medicare deductible and insurance amounts, monthly medicare premiums, and, if applicable, late enrollment penalties for medicare part A premiums. (Medicare part A provides inpatient hospital coverage for persons who are aged 65 or disabled, and medicare part B provides coverage for outpatient services for those persons.) MA recipients whose incomes are above 100% of the federal poverty line receive MA payment of medicare deductible and coinsurance amounts; if they are beneficiaries of only part A or part B ~~of medicare~~, they receive MA payment of the applicable medicare part A or part B deductible and coinsurance amounts. However, for all of these MA recipients, MA payment for the coinsurance for a service under medicare

medicare

part B may not exceed the allowable charge for the service under MA minus the medicare payment amount.

This bill permits MA payment to be made, on behalf of MA recipients and elderly or disabled persons with low incomes and resources, for their coinsurance for medicare part B outpatient hospital services that exceed the MA allowable charge for the services. The bill requires that DHFS include in the state plan for MA a methodology for payment of the medicare part B outpatient hospital services coinsurance amounts.

*** ANALYSIS FROM -0436/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

amounts

DHFS must adjust

MA

Currently, payments to nursing homes for care provided to recipients of ~~medical assistance (MA)~~ are determined under a payment system that considers specific allowable costs, under standards prescribed by DHFS. The standards for payment of allowable direct care costs ~~must take into account direct care costs for a sample of all nursing homes in the state and must be adjusted by DHFS~~ for regional labor cost variations. *among other things,*

This bill eliminates the requirement that DHFS adjust, for regional labor cost variations, standards for payment of allowable direct care costs under the MA nursing home payment system.

*** ANALYSIS FROM -1897/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~MEDICAL ASSISTANCE~~

Under current law, beginning July 1, 2000, DHFS must distribute, under a specified formula, state general purpose revenues and federal medicaid moneys as a supplemental payment to a hospital for which ~~medical assistance (MA)~~ revenues were at least 8% of the hospital's total revenues in the most recent year before the year of distribution.

This bill eliminates the requirement that DHFS distribute supplemental MA payments to hospitals that have had recent MA revenues of at least 8%.

*** ANALYSIS FROM -1686/4 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Under current law, DHFS licenses, certifies, approves, or registers and otherwise regulates numerous health care services providers, including hospitals,

nursing homes, ~~community-based residential facilities (C-BRFs)~~, adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices. Currently, the sanctions that DHFS may bring against those facilities or services that violate applicable standards of care or provisions of licensure, certification, approval, or registration vary as to the facility or service. The sanctions include denial of licensure, issuance of departmental orders, required submittal of a plan of correction, assessment of forfeitures, suspension of admissions, imposition of conditional licensure and suspension or revocation of licensure.

(Unlike forfeitures for other facilities, nursing home forfeitures are fixed in amount using factors that concern the gravity of the violation, severity of harm, extent of violation, indications of good faith by the licensee, previous violations, and the financial benefit to the nursing home of committing or continuing the violation; nursing homes are also subject to notices of violation and correction orders.)

Facilities or services on which sanctions or penalties are imposed may appeal the sanctions in hearings that are delegated by DHFS to be conducted by the subunit of DOA that deals with hearings and appeals. Decisions that result from these hearings are subject to judicial review.

This bill makes uniform, with specified exceptions, the penalties and sanctions, ~~and appeal rights for those penalties and sanctions~~, that DHFS may impose under current law on hospitals, nursing homes, C-BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill eliminates DHFS' authority to suspend licensure, certification, approval, or registration. Under the bill, if DHFS provides a C-BRF, hospital, or home health agency with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may order that the C-BRF, hospital, or home health agency do any of the following: 1) if operating without licensure or approval, cease operation; 2) terminate the employment of any person who operated or permitted operation of a C-BRF, hospital, or home health agency for which licensure or approval was revoked; 3) stop violating a provision of licensure or approval; 4) for a C-BRF only, submit a plan of correction for violation of a provision of licensure or approval; 5) for a C-BRF only, implement and comply with a plan of correction that is approved or developed by DHFS; 6) for a nursing home, C-BRF, or hospital only, suspend new admissions until all violations are corrected; or 7) provide

no. 9
The bill specifies procedures for requesting a hearing to contest imposition of a sanction.

training in one or more specific areas for staff members. In addition, if DHFS provides the same type of written notice, DHFS may impose any of the following:

1. Except for nursing homes, a daily administrative forfeiture of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the facility or service and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.

2. Under specified circumstances, for all facilities or services, revocation of licensure, certification, approval, or registration. ~~The bill specifies procedures for requesting a hearing to contest imposition of a sanction.~~

Under current law, nursing homes, C-BRFs, and hospices must demonstrate that they are “fit and qualified” in order to be licensed. This bill requires that licensed nursing homes, C-BRFs, and hospices, if they are in substantial noncompliance, as defined by DHFS by rule, with respect to applicable state or federal requirements, demonstrate that they are fit and qualified to operate. DHFS must, by rule, specify procedures regarding these findings.

Under current law, DHFS may issue a conditional license for up to one year to a nursing home and may revoke any outstanding license of the nursing home if DHFS finds that the nursing home has violated standards of care so as to create a condition or occurrence that presents a substantial probability that death or serious mental or physical harm to a resident will result or that directly threatens the health, safety, or welfare of a resident. Before issuing the conditional license, DHFS must establish a written plan of correction, provide written notice to the nursing home, and, at the nursing home’s request, hold a case conference, after which a hearing may be held. DHFS must periodically inspect a nursing home operating under a conditional license and may revoke the conditional license if the nursing home substantially fails to follow the plan of correction. This bill authorizes DHFS to issue a conditional license, certification, approval, or registration that is similar to a conditional approval of a nursing home, to any facility or service that violates standards of care or provisions of licensure.

Under current law, DHFS may issue provisional licenses for home health agencies, rural medical centers, and hospices that have not previously been licensed, that are not in operation at the time the application for licensure is made, or that are temporarily unable to comply with standards of care. DHFS must inspect a hospice

within 30 days before termination of the provisional license and either issue or deny a regular license. DHFS also may issue probationary licenses for nursing homes and C-BRFs that have not previously been licensed and are not operating at the time the license application is made. This bill eliminates provisions relating to provisional licenses for rural medical centers, and, for home health agencies and hospices, changes the term “provisional” to “probationary.” In addition, the bill ~~changes~~ ^{decreases} from 24 months to 12 months the period of validity of a hospice probationary license.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS approves and otherwise regulates public and private treatment facilities for the provision of services for mental illness, developmental disability, and alcohol and other drug abuse. DHFS may, after notice and hearing, grant, suspend, revoke, or limit such an approval, and a court may restrain violations of conditions of approval or standards of care by treatment facilities; review denials, restrictions, or revocations of approval; and grant other enforcement relief.

This bill changes current provisions concerning approval and other regulation of treatment facilities to specify penalties and sanctions that DHFS may impose on treatment facilities for violations of conditions of approval or standards of care; these penalties and sanctions are similar to those that DHFS may, under the bill, impose on facilities or services regulated by DIIFS that provide medical care. Under the bill, if DHFS provides a treatment facility with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may impose any of the following:

1. A daily forfeiture of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the treatment facility and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.

2. Suspension of approval.

3. Under specified circumstances, revocation of approval.

The bill specifies procedures for requesting a hearing to contest a forfeiture, suspension, or revocation. ~~The hearing is subject to judicial review under current law.~~

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

numerous services
including

Currently, DHFS distributes general purpose revenues to provide for persons with or at risk of contracting acquired immunodeficiency syndrome (AIDS), partner referral and notification services; grants to provide AIDS prevention information, counseling support groups, and direct care; ~~a statewide public education campaign, an information network for local health officers;~~ seroprevalence studies for the virus that causes AIDS; ~~grants to provide AIDS information and intervention services; contracts for counseling and laboratory testing services;~~ life care and early intervention services ~~and grants for services to prevent the AIDS virus~~ and

With respect to providing funds for various services on behalf of persons with or at risk of contracting AIDS, this bill changes to human immunodeficiency virus (HIV) the references to AIDS and requires that DHFS provide funds for testing for and prevention of related infections, including hepatitis C virus infection, on behalf of the persons who receive those services.

*** ANALYSIS FROM -1474/2 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

MOVE TO
p. 163

Under current law, before January 1, 2001, the council on health care fraud and abuse, which is attached to DOA, must meet twice annually to, among other things, study and develop strategies to combat health care fraud and abuse by health care consumers and providers and by insurers.

This bill eliminates the council on health care fraud and abuse.

*** ANALYSIS FROM -0191/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Under current law, the governor is authorized to enter into an agreement with the federal Nuclear Regulatory Commission to discontinue certain federal licensing and related regulatory authority with respect to by-product material (certain radioactive material and the tailings or waste from ores processed for uranium or thorium), source material (any material except special nuclear material that contains a specified percentage of uranium or thorium), and special nuclear material (uranium enriched in specified isotopes and plutonium). Rules that DHFS, as the state radiation control agency, must promulgate for by-product, source, and special nuclear material may be no less stringent than are federal requirements.

; however,

to require that

This bill modifies the definition of "source material" to be uranium, thorium or any combination of the two in any physical or chemical form or ores that contain, by weight, 0.05% of uranium, thorium, or a combination of the two. The bill modifies the standard under which DHFS must promulgate rules regulating by-product, source, and special nuclear material, ~~under the bill,~~ the DHFS rules ~~must~~ be compatible with federal requirements, ~~except that~~ the rules must be in accordance with specific federal requirements relating to by-product material. The bill also authorizes DHFS to develop qualification, certification, training, and experience requirements and to recognize certification by another state or a nationally recognized organization that is substantially equivalent to the DHFS certification, for persons who operate radiation generating equipment; who utilize, store, transfer, transport, or possess radioactive materials; or who act as radiation safety consultants.

INSERT
162-A
on page 1

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*** ANALYSIS FROM -0294/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Currently, DHFS administers a breast cancer screening program that provides grants to hospitals and other organizations to provide breast cancer screening services to women who are 40 years of age or older. ~~A woman who receives breast cancer screening services under the program may be required to pay for the services depending upon her income level.~~ Also, as part of this program, DHFS must allocate and expend \$20,000 annually to develop and provide media announcements and educational materials concerning the need for and availability of breast cancer screening services to women in areas served by the program.

DHFS also currently administers a low-income women health screening program that awards grants to applicants to provide health care screening, referral, follow-up, and patient education services to low-income, underinsured, and uninsured women.

This bill eliminates the requirement that DHFS allocate and expend at least \$20,000 in each fiscal year for developing and providing media announcements and educational materials under the breast cancer screening program. The bill requires ~~that~~ DHFS ^{to} allocate \$20,000 for developing and providing media services and educational materials to promote both health care services available under the low-income women health screening program and to promote breast cancer screening services available under the breast cancer screening program.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1205/4

ISR:kmg:km

DOA:.....Jablonsky - Tobacco control fund

FOR 2001 03 BUDGET NOT READY FOR INTRODUCTION

Insert
162-A

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, the tobacco control fund consists of a portion of the moneys that the state receives as part of the Attorneys General Master Tobacco Settlement of November 23, 1998 (settlement) with the tobacco industry. The settlement requires tobacco companies to make payments to the states in perpetuity. A portion of the settlement moneys in the tobacco control fund are appropriated to the tobacco control board for distribution to specific smoking cessation and prevention programs and for grants for smoking cessation education, research, and enforcement programs. Currently, the tobacco control board is required to distribute not less than \$1,000,000 in each fiscal year to the Thomas T. Melvin youth tobacco prevention and education program. Under this program, DHFS awards grants for programs to reduce the use of cigarettes and tobacco products by minors.

This bill requires that the first \$12,006,400 of the settlement moneys received in fiscal year 2001-02 and the first \$21,169,200 of the settlement moneys received in fiscal year 2002-03 be deposited in the tobacco control fund. The bill also increases the amount that the tobacco control board is required to distribute to the Thomas T. Melvin youth tobacco prevention and education program to \$1,500,000 in fiscal year 2001-02 and \$2,000,000 in each fiscal year thereafter.

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***** ANALYSIS FROM -0299/2 *****
HEALTH AND HUMAN SERVICES

HEALTH

Current law requires DHFS to expend under the federal preventive health services project grant program \$25,000 in each fiscal year for a state medical director for the state emergency medical services (EMS) program. Under the state EMS program, DHFS licenses EMS personnel, including emergency medical technicians (EMTs), provides support and technical assistance to local EMS programs, coordinates training for the delivery of EMS, assists with the training of EMTs, approves local EMS programs, and assists hospitals in planning for handling of the critically ill and injured. The state medical director directs the state EMS program, advises DHFS in promulgating rules for the use of automatic and semiautomatic defibrillators and for the duties of local EMS medical directors, assists DHFS in investigating complaints regarding EMS personnel, and serves as a nonvoting member of the EMS board. The EMS board advises DHFS on the EMS program.

This bill authorizes, rather than requires, DHFS to expend \$25,000 under the federal preventive health services project grant program in each fiscal year to hire a state medical director for EMS.

Material from p. 161 goes here

Material from PP. 183 & 184 goes here

***** ANALYSIS FROM -1302/8 *****
HEALTH AND HUMAN SERVICES

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CHILDREN

Under current law, DWD receives federal child care and development block grant moneys and is required to transfer certain amounts of those moneys to DHFS for purposes of day care center licensing. This bill sets those amounts for fiscal years 2001-02 and 2002-03.

Please insert to 165-C

PUBLIC ASSISTANCE

Under current law, DWD receives federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD distributes CCDBG funds to child care providers and counties for child care services that are provided to individuals who are eligible for the Wisconsin Works (W-2) child care subsidy and to private nonprofit agencies that provide child care for children of migrant workers. CCDBG funds may not be used to cover the costs of child care

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A portion of these funds are distributed by Wisconsin Works (W-2)

currently

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165-C
(cont.)

services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

~~This bill requires DWD to distribute CCDBG funds for grants to local governments and tribal governing bodies for programs to improve the quality of child care.~~ The bill ~~also~~ permits DWD to reimburse a W-2 agency for child care services that the W-2 agency provides to W-2 participants and applicants and prohibits the use of CCDBG funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian, or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

WISCONSIN WORKS

Under current law, an individual who receives monthly payments under the kinship care program on behalf of a child who is under the age of 13 or who is disabled and under the age of 19 may be eligible for a child care subsidy if the individual needs child care to work or to pursue basic or technical college education if a Wisconsin (W-2) agency determines that education will enable the individual to maintain employment. The kinship care program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

move to
insert 165-A

Under current law, to be eligible for the child care subsidy, ~~both short-term and long-term kinship care relatives must be U.S. citizens.~~ ^a long-term kinship care relative must ~~also~~ cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. ^{Short-term kinship care relative} Under current law, a ^{does not require} short-term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long-term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy. ^{to meet these requirements}

Under this bill, the eligibility requirements for the child care subsidy that currently apply to short-term kinship care relatives apply to long-term kinship care relatives.

*** ANALYSIS FROM -1843/1 ***

Move this # to Insert 165-B

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HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

Wisconsin works (W-2)

Under current law, DWD administers the child care subsidy program. Under this program, an individual who meets certain ^{nonfinancial and} financial eligibility requirements and who is the parent, foster parent, ~~or~~ guardian of a child who is under the age of 18 or, if the child is disabled, under the age of 19, ^{or kinship care relative} may be eligible for a child care subsidy if the individual needs child care to work or to pursue basic or technical college education. ^{A kinship care relative is an individual who receives monthly payments under the kinship care program.} **Insert 165-A**

Under this bill, if DWD determines that moneys allocated for the child care subsidy program are insufficient to provide the child care subsidy to ^{all} eligible individuals, DWD may develop a plan to limit participation in the child care subsidy program, including specifying new eligibility criteria for the program. DWD must submit the plan to the secretary of administration for approval and upon approval of the secretary of administration, DWD may implement the plan.

Insert 165B
Insert 165C

***** ANALYSIS FROM 1790/1 *****
HEALTH AND HUMAN SERVICES
PUBLIC ASSISTANCE

Do NOT DELETE

Under current law, DWD awards grants of up to \$500 to eligible individuals for the costs of tuition, books, transportation, or other direct costs of training or education in a vocational or educational program. As a condition of eligibility for a grant, an individual's income may not exceed 165% of the federal poverty line and the individual must contribute matching funds equal to the amount of the grant that he or she receives. Finally, under current law, the total amount of all grants awarded to an individual may not exceed \$500.

This bill increases the maximum income level for eligibility for an employment skills advancement grant to 185% of the federal poverty line and reduces the amount of matching funds that an individual is required to contribute to 50% of the amount of the grant that an individual receives. Also, the bill increases the maximum amount of all grants that an individual may receive to \$1,000.

More to insert 168-A

***** ANALYSIS FROM -0525/2 *****
HEALTH AND HUMAN SERVICES
WISCONSIN WORKS

Do NOT DELETE

Under current law, DWD contracts with ~~Wisconsin works~~ W-2 agencies to administer the W-2 program. Current law requires that these two-year contracts require the W-2 agency to establish a community steering committee that consists

ISR

of at least 12 members but not more than 15 members, all of whom are appointed by the county executive, county administrator, or chair of the county board of the county that the W-2 agency serves. A community steering committee is responsible for advising W-2 agencies on employment and training activities, creating and encouraging others to create subsidized jobs for W-2 participants, identifying child care needs, improving child care access, and expanding the availability of child care.

This bill eliminates the requirement that the community steering committee consist of a specified number of members. The bill also requires that a W-2 contract require the community steering committee to serve individuals who are receiving services under the federal temporary assistance for needy families (TANF) block grant program and to coordinate its services with a local workforce development board.

~~*** ANALYSIS FROM 1303/5 ***~~
~~HEALTH AND HUMAN SERVICES~~

Do NOT DELETE

PUBLIC ASSISTANCE

Under current law, DWD is required to allocate specific amounts of moneys in each fiscal year, including federal moneys received under the federal temporary assistance for needy families (TANF) block grant program, for various public assistance programs. This bill increases and decreases the amounts of moneys that DWD is required to allocate in each fiscal year for the various public assistance programs. The bill also eliminates the allocation for some of the programs, including start-up funding for Wisconsin works (W-2) contracts, the passports for youth program, the community marriage policy project, and payments to the Wisconsin Trust Account Foundation for the provision of legal services to certain low-income individuals.

* ^{Also} Under this bill, if the amounts of TANF moneys that are received from the federal government are less than the amounts of TANF moneys appropriated to DWD, DWD is required to submit a plan to the secretary of administration for reducing the amounts of moneys allocated for the ~~various~~ public assistance programs. If the secretary of administration approves the plan, DWD may reduce the amounts allocated as proposed in the plan.

* The bill also requires DWD to submit a report annually to the secretary of administration on DWD's expenditures for the ~~various~~ public assistance programs for which DWD must allocate moneys. ~~Finally, the bill changes the TANF appropriations from annual appropriations to continuing appropriations.~~

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*** ANALYSIS FROM -1302/8 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DWD receives federal child care and development block grant moneys and is required to transfer certain amounts of those moneys to DHFS for purposes of day care center licensing. This bill sets those amounts for fiscal years 2001-02 and 2002-03.

~~Under~~ ^{also PUBLIC ASSISTANCE} current law, ~~the law~~ ^{requires DWD to distribute a portion of the} federal child care development block grant (CCDBG) funds. Current law requires that these funds be distributed to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start-up and expansion of child day care services, and grants for improving the quality of care standards. Also under current law, DWD distributes CCDBG funds to child care providers and counties for child care services that are provided to individuals who are eligible for the Wisconsin works (W-2) child care subsidy and to private nonprofit agencies that provide child care for children of migrant workers. CCDBG funds may not be used to cover the costs of child care services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

This bill requires DWD to ^{also} distribute CCDBG funds for ^{a local pass-through grant program for} grants to local governments and tribal governing bodies for programs to improve the quality of child care. The bill also permits DWD to reimburse a W-2 agency for child care services that the W-2 agency provides to W-2 participants and applicants and prohibits the use of CCDBG funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian, or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

WISCONSIN WORKS

Under current law, an individual who receives monthly payments under the kinship care program on behalf of a child who is under the age of 13 or who is disabled and under the age of 19 may be eligible for a child care subsidy if the individual needs child care to work or to pursue basic or technical college education if a Wisconsin works (W-2) agency determines that education will enable the individual to maintain employment. The kinship care program provides monthly payments to

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individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

Under current law, to be eligible for the child care subsidy, both short-term and long-term kinship care relatives must be U.S. citizens. A long-term kinship care relative must also cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. Under current law, a short-term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long-term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy.

Under this bill, the eligibility requirements for the child care subsidy that currently apply to short-term kinship care relatives apply to long-term kinship care relatives.

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168-A

***** ANALYSIS FROM -1300/1*****
HEALTH AND HUMAN SERVICES
PUBLIC ASSISTANCE

Do NOT
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Under current law, DWD contracts with counties and ~~Wisconsin work~~ W-2 agencies to administer a work experience program for noncustodial parents. This program is commonly referred to as the children first program. Under the program, counties and W-2 agencies provide work experience, job training, and job search assistance to noncustodial parents who are required to participate in the program because they failed to pay court-ordered child support or to meet their child's needs for support because of unemployment or underemployment. A "noncustodial parent" is a parent who does not live with his or her children for substantial periods of time. Current law requires DWD to pay the county or W-2 agency administering the program \$400 for each noncustodial parent who participates in the county's or W-2 agency's program.

This bill authorizes DWD to contract with elected tribal governing bodies of federally recognized American Indian tribes or bands to administer the children first program. The bill also changes the amount that DWD is required to pay to each county, W-2 agency, or tribal governing body for each noncustodial parent who participates in the program from \$400 to an amount that is not more than \$400.

***** ANALYSIS FROM -1707/1*****

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~~HEALTH AND FAMILY SERVICES~~
~~HEALTH~~

Under current law, DHFS provides aid to eligible individuals to cover the costs of medical care for kidney disease, cystic fibrosis, and hemophilia. An individual who is eligible to receive aid, but whose income exceeds income limits established by DHFS by rule, is required to expend certain amounts of his or income for the medical care before he or she may receive aid. The amount of income an individual is required to expend is determined according to a sliding scale developed by DHFS. Every three years, DHFS is required to review and, if necessary, revise the sliding scale to ensure that the needs of patients with lower incomes receive priority for aid.

This bill requires DHFS to revise the sliding scale as necessary, rather than every three years, to ensure that the needs of patients with lower incomes receive priority for aid.

*** ANALYSIS FROM -1709/4 ***

~~HEALTH AND HUMAN SERVICES~~
~~ALCOHOL AND OTHER DRUG ABUSE~~

Under current law, DHFS distributes ~~from an appropriation of general purpose revenues~~ grants for ~~various community programs, including for~~ the provision of alcohol and other drug abuse treatment services in a county with a population of 500,000 or more (Milwaukee County) to individuals who are eligible for ~~federal temporary assistance for needy families (TANF)~~ and have family incomes that do not exceed 200% of the federal poverty line.

no # (This bill permits grants for the provision of alcohol and other drug abuse treatment services to low-income persons who are eligible for TANF to be provided throughout the state, rather than only in Milwaukee County. Further, the bill requires that moneys for these grants that are unexpended or unencumbered on June 30 of each fiscal year be transferred to the appropriation in DWD for the administration of ~~Wisconsin Works W-2~~ and other public assistance programs.

*** ANALYSIS FROM -1884/2 ***

~~HEALTH AND HUMAN SERVICES~~
~~OTHER HEALTH AND HUMAN SERVICES~~

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Under current law, county departments of community programs (county departments) are required, within the limits of federal, state, and county funds, to provide to individuals who suffer from mental disabilities, including mental illness, developmental disabilities, alcoholism, or drug abuse, a variety of health care

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services related to mental illness, developmental disabilities, alcoholism, and drug abuse. The health care services provided include diagnostic and evaluation services, inpatient and outpatient care and treatment services, and supportive transitional services. Under current law, if federal, state, and county funds for the alcohol and other drug abuse services are not sufficient to meet the needs of all individuals who are eligible for the services, the county departments must give first priority for the services to any pregnant woman who suffers from alcoholism or alcohol abuse or who is drug dependent.

Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to independent foster care adolescents. An independent foster care adolescent is defined in the bill as an individual who is at least 18 years of age but under 21 years of age, who, on his or her 18th birthday was in foster care, and who suffers from alcoholism or alcohol abuse or who is drug dependent. Also, under the bill, if state, federal, and county funds for mental health services are insufficient to meet the needs of all individuals eligible for mental health services, this bill requires the county departments to give first priority for the services to independent foster care adolescents.

~~*** ANALYSIS FROM -2309/3 ***
HEALTH AND HUMAN SERVICES
PUBLIC ASSISTANCE~~

DO NOT DELETE

Under current law, the governor may enter into a cooperative arrangement with DWD under which DWD transfers ~~federal temporary assistance for needy families~~ TANF block grant moneys to the office of the governor to assist the governor in providing TANF. Currently, that authority expires on January 6, 2003. This bill eliminates that expiration date.

~~*** ANALYSIS FROM -1758/5 ***
HEALTH AND HUMAN SERVICES
CHILDREN~~

Under current law, DHFS, DPI, and DWD administer various programs for children. This bill creates a children's cabinet board (board), consisting of the governor, the state superintendent of public instruction, the secretary of administration, the secretary of health and family services, and the secretary of workforce development, that is attached to the office of the governor for administrative purposes. The bill directs the board to make recommendations to the governor and the legislature relating to changes needed in state programs, policies,

and funding levels to improve the coordination among state agencies of programs for children and to streamline the delivery of those programs. The bill also directs the board to award grants to local consortia, which are defined in the bill as combinations of individuals, public agencies, nonprofit corporations, for-profit organizations, federally recognized American Indian tribes or bands, or other persons, to develop models for the delivery of programs for children who are at risk of not being ready to learn when they enter kindergarten or who are at risk of facing barriers to learning while in school (at-risk children). A local consortium must use the grant to develop a model for the delivery of those programs ~~that meets certain specifications prescribed by the board and~~ that is designed to create closer links between school districts, human service providers, and other community-based providers of programs for children; enable at-risk children to be ready to learn when they enter kindergarten or to overcome the barriers to learning that they face while in school; focus on providing services on a voluntary basis to children under five years of age and their families, but also provide services to children and their families, as needed, throughout the elementary and high school grades; and meet certain performance measures prescribed by the board.

*** ANALYSIS FROM -0440/3 ***

~~HEALTH AND HUMAN SERVICES~~

Juvenile

CHILDREN

Under current law, the ~~court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court)~~ ~~may, in a temporary custody order, a dispositional order, or a change in placement order,~~ designate an out-of-home placement as the placement for a child who is within the jurisdiction of the juvenile court. The state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as IV-E funds) in reimbursement of moneys expended to provide care for children placed in out-of-home placements. The federal government recently, however, changed its regulations relating to eligibility for IV-E funds to provide that IV-E funds are not available when a court orders a child to be placed in a specific out-of-home placement, except that those funds are available when a court orders a child to be placed in a specific out-of-home placement recommended by the agency primarily responsible for providing services for the child (agency) or when a court, after considering the evidence presented by the agency and all parties relating to a child's placement, orders the child to be placed in a specific out-of-home placement

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other than a placement recommended by the agency. Accordingly, this bill requires an order of the juvenile court placing a child outside the home in a placement recommended by the agency to include a statement that the juvenile court approves the placement recommended by the agency and an order of the juvenile court placing a child outside the home in a placement other than a placement recommended by the agency to include a statement that the juvenile court has given bona fide consideration to the recommendations made by the agency and all parties relating to the child's placement.

*** ANALYSIS FROM -0441/6 ***

~~HEALTH AND HUMAN SERVICES~~

juvenile

~~CHILDREN~~

under

Under current law, the ~~juvenile court assigned to exercise jurisdiction under the Children's Code (juvenile court)~~ may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home pursuant to an order of the juvenile court for one year or longer. This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one-year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out-of-home placement.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long-term kinship care payments in the amount of \$215 per month for providing care and maintenance for the child. This bill permits a person who is appointed as the guardian for a child in need of protection or service, who was the licensed foster ~~parent~~ or treatment foster parent of the child before that appointment, and who is a resident of Milwaukee County to receive monthly subsidized guardianship payments in an amount established by DHFS based on the average amount of general purpose revenues expended per child in foster care in Milwaukee County in state fiscal year 2000-01 if the child is 12 years of age or over and has been placed outside of his or her home for 15 of the most recent 22 months, the parental rights of the child's parents have been terminated, or the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best

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IV-E funds

requirements

interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child, or if the child does not meet any of those conditions, but DHFS has determined that providing subsidized guardianship payments to the guardian is in the best interests of the child and the juvenile court has confirmed that determination. The bill also requires DHFS to request from the secretary of the federal department of health and human services a waiver of the ~~requirement~~ under Title IV-E of the federal Social Security Act that would authorize the state to receive ~~federal foster care and adoption assistance reimbursement~~ for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster ~~parent~~ or treatment foster parent before the guardianship appointment and, if the waiver is approved, to provide monthly subsidized guardianship payments to the guardian according to the terms of the waiver.

*** ANALYSIS FROM -0264/4 ***

HEALTH AND HUMAN SERVICES

CHILDREN

juvenile

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the court assigned to ~~exercise jurisdiction under the Children's Code and the Juvenile Justice Code~~ (juvenile court), the agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

Under current law, on the request of a grandparent in whose home a grandchild whose parent is under 18 years of age is placed, whether under a voluntary agreement or under a juvenile court order, DHFS, a county department of human services or social services (county department), or a licensed child welfare agency may license that grandparent as the grandchild's foster ~~parent~~ or treatment foster parent. This bill requires DHFS, a county department, or a licensed child welfare agency to license such a grandparent as the grandchild's foster ~~parent~~ or treatment foster parent on the request of the grandparent. Similarly, on the request of a guardian in whose home a minor ward is placed under a juvenile court order, DHFS,

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* a county department, or a licensed child welfare agency may license that guardian
as the ward's foster parent or treatment foster parent. This bill requires DHFS, a
county department, or a licensed child welfare agency to license such a guardian as
the ward's foster parent or treatment foster parent on the request of the guardian.

*** ANALYSIS FROM -1825/1 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for payments in the amount of \$215 per month under the kinship care program. Those conditions include a condition that the county department of ~~human services or social services (county department)~~ or, in Milwaukee County, DHFS conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home to determine whether the kinship care relative, employee, prospective employee, or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home based on an arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the day after publication of the 2001-03 biennial budget. This bill eliminates that expiration date.

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826/2 ***
~~VICES~~
juvenile court

Under current law, if terminated or if a child is ~~jurisdiction under the Child~~ living parents of a child are ~~court assigned to exercise~~ may transfer guardianship of the child to DHFS, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after entry of the termination of parental rights (TPR) or guardianship order, DHFS may petition the juvenile court to transfer legal custody of the child to a county department, but DHFS

no #
 DHFS also must promulgate rules relating to the recovery of correctly and incorrectly paid family care benefits that are substantially similar to MA recovery provisions, ~~correctly paid benefit payments (commonly referred to as "estate recovery") and incorrectly paid benefit payments.~~ The client must file the request within 45 days of receiving notice of a decision in a contested matter or within 45 days of the failure by a resource center or care management organization under family care to act on the matter under time frames specified by rule by DHFS.

This bill changes the time by which a family care client may contest certain actions under family care to be within 45 days after the effective date of the action. Further, the bill eliminates recovery of family care benefit payments as a matter that may be contested within this time limitation.

*** ANALYSIS FROM -0205/3 ***

~~HEALTH AND HUMAN SERVICES~~
~~LONG-TERM CARE; FAMILY CARE~~

Family care

Currently, ~~under family care~~, a resource center in a county must, within six months after the family care benefit is available to all eligible persons in the resource center's area, provide information about the family care benefit and family care services to all older persons and persons with physical disabilities who reside in facilities in the area, must provide a functional and financial screening to those residents and to certain persons who are seeking admission to a facility, and must provide access for eligible persons to protective services or protective placement or elder abuse services.

This bill requires that DHFS assure the provision of family care benefit and family care services information, functional and financial screenings, and access for eligible persons to protective services or protective placement and elder abuse services, rather than requiring that a family care resource center provide these. Also, under the bill, persons who must receive information about the family care benefit and family care services and functional and financial screenings must be persons who are residents of certain facilities and are members of a target population served by a care management organization in the county. ~~Basically, the bill makes numerous minor changes to the laws relating to the family care program.~~

MOVE TO P. 178

*** ANALYSIS FROM -1194/1 ***

~~HEALTH AND HUMAN SERVICES~~
 HEALTH

Under current law, ~~DHFS licenses and otherwise regulates home health agencies.~~ Certain entities that may provide services that are similar to those provided by a home health agency (such as care management organizations, which

MOVE TO P. 163

MOVE
TO
P. 163

operate under the family care program for the provision of long-term care) are exempted from the home health agency requirements.

This bill expands the exemptions from home health agency licensure and regulatory requirements to include an entity with which a care management organization contracts to provide services under the family care program.

*** ANALYSIS FROM -1686/4 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Under current law, DHFS licenses, certifies, approves, or registers and otherwise regulates numerous health care services providers, including hospitals, nursing homes, community-based residential facilities (C-BRFs), adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices. Currently, the sanctions that DHFS may bring against those facilities or services that violate applicable standards of care or provisions of licensure, certification, approval, or registration vary as to the facility or service. The sanctions include denial of licensure, issuance of departmental orders, required submittal of a plan of correction, assessment of forfeitures, suspension of admissions, imposition of conditional licensure and suspension or revocation of licensure. (Unlike forfeitures for other facilities, nursing home forfeitures are fixed in amount using factors that concern the gravity of the violation, severity of harm, extent of violation, indications of good faith by the licensee, previous violations, and the financial benefit to the nursing home of committing or continuing the violation; nursing homes are also subject to notices of violation and correction orders.) Facilities or services on which sanctions or penalties are imposed may appeal the sanctions in hearings that are delegated by DHFS to be conducted by the subunit of DOA that deals with hearings and appeals. Decisions that result from these hearings are subject to judicial review.

This bill makes uniform, with specified exceptions, the penalties and sanctions, and appeal rights for those penalties and sanctions, that DHFS may impose under current law on hospitals, nursing homes, C-BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill eliminates DHFS' authority to suspend licensure, certification, approval, or registration. Under the bill, if DHFS provides a C-BRF, hospital, or home health agency with written notice of the grounds

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* a county department, or a licensed child welfare agency may license that guardian as the ward's foster parent or treatment foster parent. This bill requires DHFS, a county department, or a licensed child welfare agency to license such a guardian as the ward's foster parent or treatment foster parent on the request of the guardian.

*** ANALYSIS FROM -1825/1 ***

HEALTH AND HUMAN SERVICES
CHILDREN

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for payments in the amount of \$215 per month under the kinship care program. Those conditions include a condition that the county department of ~~human services or social services (county department)~~ or, in Milwaukee County, DHFS conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home to determine whether the kinship care relative, employee, prospective employee, or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home based on an arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the day after publication of the 2001-03 biennial budget. This bill eliminates that expiration date.

*** ANALYSIS FROM -1826/2 ***

HEALTH AND HUMAN SERVICES
CHILDREN

START HERE

Juvenile Court

Under current law, if the parental rights of all living parents of a child are terminated or if a child has no living parents, the ~~court assigned to exercise jurisdiction under the Children's Code (juvenile court)~~ may transfer guardianship of the child to DHFS, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after entry of the termination of parental rights (TPR) or guardianship order, DHFS may petition the juvenile court to transfer legal custody of the child to a county department, but DHFS

shortens that time frame to

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Insert 175

remains the guardian of the child. This bill ~~permits DHFS to petition the juvenile court to transfer to a county department legal custody of such a child and, if the county department is authorized to accept guardianship of children, guardianship of the child, if a permanent adoptive placement is not in progress one year after entry of the TPR or guardianship order.~~

Similarly, under current law, an American Indian tribal court in this state may appoint DHFS as guardian or legal custodian of a child who has no parents, or whose parents' parental rights to the child have been terminated by the tribal court, for the purpose of making an adoptive placement for the child. If a permanent adoptive placement is not in progress two years after entry of the TPR or guardianship order, DHFS may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe. This bill ~~permits DHFS to petition the tribal court to transfer legal custody or guardianship of such a child back to the tribe, if a permanent adoptive placement is not in progress one year after entry of the TPR or guardianship order.~~

Shortens that time frame to

21 years of age or over

*** ANALYSIS FROM -1889/1 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a person whose birth parent's rights have been terminated, or who has been adopted, in this state may request DHFS to provide the person, ~~after the person reaches 21 years of age,~~ with a copy of the person's original birth certificate and with the identity and location of the person's birth parents. If the person's birth parent has not filed an affidavit authorizing DHFS to disclose the person's original birth certificate or the identity and location of the birth parent, DHFS, a county department of human services or social services (county department) under contract with DHFS, or a child welfare agency under contract with DHFS must conduct a search for the birth parent to inform the birth parent that he or she may file an affidavit authorizing that disclosure. This bill eliminates the authority of DHFS to conduct those searches or to contract with a county department or a child welfare agency to conduct those searches. Instead, the bill permits DHFS to license a child welfare agency to conduct those searches.

or

person's person's

Under current law, DHFS, a county department, or a child welfare agency may charge a reasonable fee for the cost of conducting a search for a child's birth parents, but may not charge a fee in excess of \$100 unless the child gives consent to proceed with the search. Similarly, a person requesting access to medical and genetic

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The bill also authorizes DAFS to petition the juvenile court to transfer guardianship of such a child to a county department that is authorized to accept guardianship of children.

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information about a ^{person} child or the child's ^{person's} birth parents must pay a fee based on ability to pay, but not to exceed \$150, for the cost of locating, verifying, purging, summarizing, copying, and mailing that information. This bill eliminates those fee caps.

*** ANALYSIS FROM -0261/1 ***

~~HEALTH AND HUMAN SERVICES~~
CHILDREN

Under current law, ~~the department of health and family services (DHFS)~~ is required to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family-operated group home parent (parent) or a member of the parent's family as a result of an act of a child placed in the parent's care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent's care or that form the basis for a civil action for damages against the parent, and for bodily injury or property damage caused by an act or omission of a child who is placed in the parent's care for which the parent becomes legally liable. Currently, the amount of those claims that DHFS may approve in a fiscal year is subject to a \$200 deductible. This bill lowers that deductible amount to \$100.

*** ANALYSIS FROM -0439/3 ***

~~HEALTH AND HUMAN SERVICES~~
CHILDREN

Under current law, ~~the state receives federal foster care and adoption assistance funding under Title IV-E of the federal Social Security Act (generally referred to as "IV-E funds"), in reimbursement of moneys spent by the state and the counties for activities relating to foster care and the adoption of children.~~ DHFS distributes IV-E funds as community aids to counties for the provision of social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV-E funds allocated as community aids in that year (excess IV-E funds), DHFS must carry forward to the next year those excess IV-E funds and distribute not less than 50% of those excess IV-E funds to counties other than Milwaukee County that are making a good faith effort to implement the statewide automated child welfare information system (generally referred to as "WISACWIS") for services and projects to assist children and families. Currently, a

county is required to use not less than 50% of the excess IV-E funds distributed to that county for services and projects to assist children and families. This bill permits a county, in the calendar year in which the county implements WISACWIS and in the two calendar years after that calendar year, to use 100% of the excess IV-E funds distributed to that county to reimburse DHFS for the costs of implementing WISACWIS.

*** ANALYSIS FROM -0490/2 ***

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, the child abuse and neglect prevention board (CANPB) may expend the interest earned on, but not the principal of, moneys received from the sale of "Celebrate Children" license plates to award grants to provide child abuse and neglect prevention programs, early childhood family education centers, and right from the start projects; to administer statewide child abuse and neglect prevention projects; and to pay for the operating costs of CANPB. This bill permits CANPB to expend 50% of the moneys received from the sale of those license plates, and all interest earned on those moneys received, to award those grants, administer those projects, and pay for those costs.

~~Current law contains an annual, sum certain appropriation of segregated revenues from the children's trust fund for the operating costs of CANPB and for statewide projects to prevent child abuse and neglect, and a continuing appropriation, consisting of all moneys received for that fund, for grants to provide child abuse and neglect prevention programs, early childhood family education centers, and right from the start projects. This bill eliminates that annual, sum certain appropriation and folds its purposes into that continuing appropriation.~~

~~Current law also contains an appropriation from which CANPB may expend general purpose revenues for early childhood family education center grants. This bill eliminates that appropriation.~~

*** ANALYSIS FROM -0196/2 ***

HEALTH AND HUMAN SERVICES

~~HEALTH AND HUMAN SERVICES~~
FAMILY CARE ←

Under family care, a program of financial assistance in providing long-term care and support items, persons are entitled to and may receive the family care benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, and fulfill any applicable cost-sharing requirements.

MA

They must also meet any of several criteria related to functionality ~~and to~~ eligibility for ~~medical assistance~~, the need for protective services or protective placement, ~~or~~ ^{and} the existence of chronic or terminal conditions. Other persons may be eligible for, but are not necessarily entitled to, the family care benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, fulfill any applicable cost-sharing requirements, and meet any of several criteria relating to functionality. Persons with developmental disabilities in a county in which family care initially was provided before July 1, 2001, are both eligible and entitled. One of the criteria for functionality for both entitled and eligible persons is that the person have a condition that is expected to last at least 90 days or result in death within 12 months after the date of application and, on the date that the family care benefit became available in the person's county of residence, the person was a nursing home resident or had been receiving care under long-term ~~medical assistance~~, the Alzheimer's family caregiver support program, community aids, or county funding.

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P. 179
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MA

applies to eligible

This bill ~~changes that criterion of functionality to apply to~~ ^{applies to eligible} persons who *do not meet* other functionality criteria; ~~and~~ ^{apply} requires that a person seeking a determination of functional eligibility under the criterion first ~~applies~~ ^{apply} for eligibility for the family care benefit within 36 months after the date on which the family care benefit is initially available in the person's county of residence. Further, for persons who are entitled to the family care benefit, the bill creates a criterion that is similar but under which a person qualifies only if he or she *does meet* another specific functionality criterion. The bill changes provisions concerning persons with developmental disability, so that a person who is 18 years of age, has a primary disabling condition of developmental disability, and meets financial and functionality criteria is both eligible for and entitled to the family care benefit, if the person is a resident of a county in which family care was initially provided before July 1, 2003.

The family care functionality criterion that relates to a chronic or terminal condition. The bill

*** ANALYSIS FROM -0197/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~LONG TERM CARE FAMILY CARE~~

Currently

~~Under family care, a program of financial assistance in providing long-term care and support items,~~ DHFS may contract with various entities to operate family care resource centers, which provide, among other things, determinations of family care eligibility and information and referral services. If the secretary of health and

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family services certifies that a family care resource center is available in a county, adult family homes, residential care apartment complexes, ~~community-based residential facilities~~ (C-BRFs), ~~hospitals~~, and nursing homes in the county must, unless certain exceptions apply, refer persons who are at least 65 years of age or have physical disabilities that are expected to last at least 90 days to the resource center for services and determinations of family care and other program eligibility. In addition, nursing homes ~~and hospitals~~ must so refer persons with developmental disability.

MATERIAL FROM PP. 181+182 GOES HERE

In This bill clarifies that adult family homes, residential care apartment complexes, and C-BRFs must refer persons with developmental disability to family care resource centers for services and determinations of family care and other program eligibility.

*** ANALYSIS FROM -0198/2 ***
~~HEALTH AND HUMAN SERVICES~~
~~LONG TERM CARE; FAMILY CARE~~

Currently, under family care, a program of financial assistance in providing long-term care and support items, a person is eligible for, but not necessarily entitled to, the family care benefit if he or she is at least 18 years old, has a physical disability or the infirmities, of aging, fulfills any applicable cost-sharing requirements, meets financial criteria, and meets any of several criteria relating to functionality. DHFS is authorized to determine the date on which these functionality criteria first apply to applicants for the family care benefit who are not recipients of ~~medical assistance~~ *MA*, but the date may not be later than July 1, 2000.

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In This bill changes the date that DHFS is authorized to determine for applying functionality criteria under the family care program to family care benefit applicants who are not MA recipients. Under the bill, the date must be not later than January 1, 2004, but, before the determined date, persons who are not eligible for MA may receive the family care benefit within the limits of state funds appropriated for this purpose and available federal funds.

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*** ANALYSIS FROM -0203/2 ***
~~HEALTH AND HUMAN SERVICES~~
~~LONG TERM CARE; FAMILY CARE~~

Currently, ~~under family care, a program of financial assistance in providing long-term care and support items,~~ a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care

district, ~~the family care district is~~ (a special purpose district that is organized to operate a family care resource center or a care management organization, but not both). The county board of supervisors or county executive or county administrator, if any, also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21-member board. The lengths of appointment of the initial members of the family care district board, on a staggered basis, are specified. Up to one-fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long-term care council, which develops the initial county plan for the structure of the family care program in that county.

This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed appointments to the family care district board be first reviewed and approved by the secretary of health and family services (~~secretary~~). This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to ~~the~~ ^{that} secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. Further, the bill decreases the initial lengths of appointment of initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

*** ANALYSIS FROM -0428/3 ***

~~HEALTH AND HUMAN SERVICES~~

~~OTHER LONG-TERM CARE~~

Under current law, ~~state general purpose revenues are used to provide assessments under the long-term support community options program (known generally as "COP") to persons who reside in or are about to be admitted to nursing homes.~~ Also under current law, after the secretary of health and family services has certified that a resource center is available to provide family care services in a county, ~~community-based residential facilities (C-BRFs) and residential care apartment complexes in that county must provide prospective residents with information about~~

family care

long-term support community options program (COP)

the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under the community integration program for persons who are relocated from certain institutions or who meet level-of-care requirements for medical assistance

(MA).

This bill requires that, beginning on January 1, 2002, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the services of the county aging unit and the agency in the county that administers COP and conditions for eligibility for public funding for long-term care services. Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. Residential care apartment complexes and C-BRFs that fail to comply with these requirements are subject to administrative forfeitures. Lastly, the bill authorizes ~~general purpose revenues that are appropriated to COP~~ to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C-BRF.

imposition of

funding

*** ANALYSIS FROM -0200/2 ***

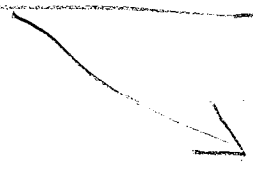
~~HEALTH AND HUMAN SERVICES~~

~~LONG-TERM CARE, FAMILY CARE~~

Currently, ~~under family care, a county resource center, as reviewed by a local long-term care council, must provide persons with services in obtaining long-term care,~~ DHFS must promulgate rules requiring a hospital to refer to a resource center patients being discharged who have developmental disability or a physical disability requiring long-term care for at least 90 days or who are 65 years of age or older. The rules must specify that the requirement applies only if the secretary of health and family services ~~secretary~~ has certified that a resource center is available for the hospital and for individuals that include the hospital's patients. Hospitals violating the rules must forfeit up to \$500 for each violation.

This bill eliminates the requirement that DHFS promulgate rules requiring a hospital to refer patients to a resource center and eliminates the forfeitures applicable to violations of those rules. The bill, instead, requires that a resource center annually develop and provide to the local long-term care council for review a tentative plan for coordinating appropriate referrals of individuals who are discharged from hospitals in the area served by the resource center and who are

MOVE TO P. 179



likely to be eligible for a family care benefit. The local long-term care council must review the tentative plan and provide to the resource center nonbinding plan recommendations, if any, for ensuring cooperation and coordination between the resource center and hospital. In turn, the resource center must consider the recommendations and cooperate with hospitals in the geographic area served by the resource center in developing and implementing the plan. Hospitals, under the bill, must participate in the plan development and implementation if the secretary of health and family services has certified that a resource center is available for the hospital and for individuals that include the hospital's patients.

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P. 179

federal and state moneys

***** ANALYSIS FROM -0201/3 *****

HEALTH AND HUMAN SERVICES

LONG-TERM CARE; FAMILY CARE

Under current law, under family care, the family care benefit is funded from a number of sources, including for those who are eligible for ~~medical assistance (MA)~~ ~~federal and state MA moneys~~. Moneys that are received from recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") are appropriated, in part, as payments to care management organizations to provide the family care benefit.

This bill provides that moneys that are received as estate recovery from family care enrollees who are ineligible for MA are appropriated to pay for administering the estate recovery and as payments to care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

***** ANALYSIS FROM -0202/P1 *****

HEALTH AND HUMAN SERVICES

LONG-TERM CARE; FAMILY CARE

Under family care, ~~a program of financial assistance in providing long-term care and support items~~, a client may contest specified matters by filing a written request for a hearing with the division of hearings and appeals of DOA. The actions that may be contested are a denial of eligibility or entitlement, a determination of cost sharing, the failure to provide timely services and support items, a reduction of amounts of the family care benefit or services or support items, the development of an unacceptable plan of care, the termination of or imposition of ineligibility for the family care benefit, a divestment determination ~~and the recovery of family care~~

including the recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") and incorrectly paid benefit payments.

^{no. 9} DHFS also must promulgate rules relating to the recovery of correctly and incorrectly paid family care benefits that are substantially similar to MA recovery provisions, ~~correctly paid benefit payments commonly referred to as "estate recovery" and incorrectly paid benefit payments.~~ The client must file the request within 45 days of receiving notice of a decision in a contested matter or within 45 days of the failure by a resource center or care management organization under family care to act on the matter under time frames specified by rule by DHFS.

This bill changes the time by which a family care client may contest certain actions under family care to be within 45 days after the effective date of the action. Further, the bill eliminates recovery of family care benefit payments as a matter that may be contested within this time limitation.

*** ANALYSIS FROM -0205/3 ***

~~HEALTH AND HUMAN SERVICES~~
~~LONG-TERM CARE; FAMILY CARE~~

Family care

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Currently, ~~under family care,~~ a resource center in a county must, within six months after the family care benefit is available to all eligible persons in the resource center's area, provide information about the family care benefit and family care services to all older persons and persons with physical disabilities who reside in facilities in the area, must provide a functional and financial screening to those residents and to certain persons who are seeking admission to a facility, and must provide access for eligible persons to protective services or protective placement or elder abuse services.

This bill requires that DHFS assure the provision of family care benefit and family care services information, functional and financial screenings, and access for eligible persons to protective services or protective placement and elder abuse services, rather than requiring that a family care resource center provide these. Also, under the bill, persons who must receive information about the family care benefit and family care services and functional and financial screenings must be persons who are residents of certain facilities and are members of a target population served by a care management organization in the county. ~~Lastly, the bill makes numerous minor changes to the laws relating to the family care program.~~

*** ANALYSIS FROM -1194/1 ***

~~HEALTH AND HUMAN SERVICES~~
~~HEALTH~~

MOVE TO P. 163

Under current law, ~~DHFS licenses and otherwise regulates home health agencies.~~ Certain entities that may provide services that are similar to those provided by a home health agency (such as care management organizations, which

operate under the family care program for the provision of long-term care) are exempted from the home health agency requirements.

This bill expands the exemptions from home health agency licensure and regulatory requirements to include an entity with which a care management organization contracts to provide services under the family care program.

*** ANALYSIS FROM -1686/4 ***

~~HEALTH AND HUMAN SERVICES~~

~~HEALTH~~

Under current law, DHFS licenses, certifies, approves, or registers and otherwise regulates numerous health care services providers, including hospitals, nursing homes, community-based residential facilities (C-BRFs), adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices. Currently, the sanctions that DHFS may bring against those facilities or services that violate applicable standards of care or provisions of licensure, certification, approval, or registration vary as to the facility or service. The sanctions include denial of licensure, issuance of departmental orders, required submittal of a plan of correction, assessment of forfeitures, suspension of admissions, imposition of conditional licensure and suspension or revocation of licensure. (Unlike forfeitures for other facilities, nursing home forfeitures are fixed in amount using factors that concern the gravity of the violation, severity of harm, extent of violation, indications of good faith by the licensee, previous violations, and the financial benefit to the nursing home of committing or continuing the violation; nursing homes are also subject to notices of violation and correction orders.) Facilities or services on which sanctions or penalties are imposed may appeal the sanctions in hearings that are delegated by DHFS to be conducted by the subunit of DOA that deals with hearings and appeals. Decisions that result from these hearings are subject to judicial review.

This bill makes uniform, with specified exceptions, the penalties and sanctions, and appeal rights for those penalties and sanctions, that DHFS may impose under current law on hospitals, nursing homes, C BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill eliminates DHFS' authority to suspend licensure, certification, approval, or registration. Under the bill, if DHFS provides a C-BRF, hospital, or home health agency with written notice of the grounds

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P. 163

for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may order that the C-BRF, hospital, or home health agency do any of the following: 1) if operating without licensure or approval, cease operation; 2) terminate the employment of any person who operated or permitted operation of a C-BRF, hospital, or home health agency for which licensure or approval was revoked; 3) stop violating a provision of licensure or approval; 4) for a C-BRF only, submit a plan of correction for violation of a provision of licensure or approval; 5) for a C-BRF only, implement and comply with a plan of correction that is approved or developed by DHFS; 6) for a nursing home, C-BRF, or hospital only, suspend new admissions until all violations are corrected; or 7) provide training in one or more specific areas for staff members. In addition, if DHFS provides the same type of written notice, DHFS may impose any of the following:

1. Except for nursing homes, a daily administrative forfeiture of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the facility or service and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.

2. Under specified circumstances, for all facilities or services, revocation of licensure, certification, approval, or registration. The bill specifies procedures for requesting a hearing to contest imposition of a sanction.

Under current law, nursing homes, C-BRFs, and hospices must demonstrate that they are "fit and qualified" in order to be licensed. This bill requires that licensed nursing homes, C-BRFs, and hospices, if they are in substantial noncompliance, as defined by DHFS by rule, with respect to applicable state or federal requirements, demonstrate that they are fit and qualified to operate. DHFS must, by rule, specify procedures regarding these findings.

Under current law, DHFS may issue a conditional license for up to one year to a nursing home and may revoke any outstanding license of the nursing home if DHFS finds that the nursing home has violated standards of care so as to create a condition or occurrence that presents a substantial probability that death or serious mental or physical harm to a resident will result or that directly threatens the health, safety, or welfare of a resident. Before issuing the conditional license, DHFS must establish a written plan of correction, provide written notice to the nursing home, and, at the nursing home's request, hold a case conference, after which a hearing may

be held. DHFS must periodically inspect a nursing home operating under a conditional license and may revoke the conditional license if the nursing home substantially fails to follow the plan of correction. This bill authorizes DHFS to issue a conditional license, certification, approval, or registration that is similar to a conditional approval of a nursing home, to any facility or service that violates standards of care or provisions of licensure.

Under current law, DHFS may issue provisional licenses for home health agencies, rural medical centers, and hospices that have not previously been licensed, that are not in operation at the time the application for licensure is made, or that are temporarily unable to comply with standards of care. DHFS must inspect a hospice within 30 days before termination of the provisional license and either issue or deny a regular license. DHFS also may issue probationary licenses for nursing homes and C-BRFs that have not previously been licensed and are not operating at the time the license application is made. This bill eliminates provisions relating to provisional licenses for rural medical centers, and, for home health agencies and hospices, changes the term "provisional" to "probationary." In addition, the bill changes from 24 months to 12 months the period of validity of a hospice probationary license.

HEALTH

MENTAL (ILLNESS) AND DEVELOPMENTAL DISABILITIES

Under current law, DHFS approves and otherwise regulates public and private treatment facilities for the provision of services for mental illness, developmental disability, and alcohol and other drug abuse. DHFS may, after notice and hearing, grant, suspend, revoke, or limit such an approval, and a court may restrain violations of conditions of approval or standards of care by treatment facilities; review denials, restrictions, or revocations of approval; and grant other enforcement relief.

This bill changes current provisions concerning approval and other regulation of treatment facilities to specify penalties and sanctions that DHFS may impose on treatment facilities for violations of conditions of approval or standards of care; these penalties and sanctions are similar to those that DHFS may, under the bill, impose on facilities or services regulated by DHFS that provide medical care. Under the bill, if DHFS provides a treatment facility with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may impose any of the following:

1. A daily forfeiture of not less than \$10 nor more than \$2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the treatment

facility and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.

2. Suspension of approval.

3. Under specified circumstances, revocation of approval.

The bill specifies procedures for requesting a hearing to contest a forfeiture, suspension, or revocation. ~~The hearing is subject to judicial review under current law.~~

*** ANALYSIS FROM -0424/5 ***

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

Under current law, DHFS may authorize the Mendota Mental Health Institute and the Winnebago Mental Health Institute to provide services other than inpatient mental health services, under contracts with public or private entities, when DHFS determines that there is a need for community services to be supplemented. Payments for these services are credited to a program revenue appropriation and are used to provide the services. Also under current law, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when their needs can be met at the local level.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short-term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities, to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

The bill creates an annual appropriation of program revenue, to which payments for outpatient services provided by mental health institutes and payments for alternative services provided by centers for the developmentally disabled must be credited, and which is used for provision of the services.

Currently, the state centers for the developmentally disabled must provide services for up to 36 persons with developmental disability who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors.

This bill increases to up to 50 the number of persons with developmental disability and mental illness or extreme behaviors that the state centers for the developmentally disabled must serve.

*** ANALYSIS FROM -0423/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

and return to jail from

Under current law, if a court during a trial for violation of a crime has reason to doubt the defendant's competency to proceed, the court must order the defendant to be examined, on an inpatient or outpatient basis, as determined by DHFS. For an inpatient examination, the court must arrange for the defendant's transportation to the examining facility ~~within a reasonable time and for return of the defendant to the jail within a reasonable time after receiving notice from the facility that the examination has been completed.~~ Also under current law, a county department of community programs may not reimburse a state institution for care provided by the institution to certain persons, including criminal defendants who are ordered to be examined by mental health institutes for competency to undergo trial.

This bill requires that, for a defendant in a criminal trial who has been ordered to receive an examination for mental competency to undergo trial, the sheriff of the defendant's county of residence transport the defendant to the examining facility.

~~Further, the bill requires that the sheriff transport the defendant to jail within a reasonable time after the sheriff and the county department of community programs receive notice from the facility that the examination has been completed.~~

and return the defendant to jail from

The bill requires that a county department of community programs reimburse a mental health institute at the institute's daily rate for all days of custody of a county resident who is examined for competency to proceed in a criminal trial, beginning 48 hours after the sheriff and county department receive notice that the examination has been completed. ~~The 48-hour period may not include Saturdays, Sundays, and legal holidays.~~

(excluding Saturdays, Sundays, and legal holidays)

***** ANALYSIS FROM -0195/1 *****

HEALTH AND HUMAN SERVICES

~~MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES~~

Under current law, DHFS must distribute not more than \$350,000 in federal funds in each fiscal year as five-year system change grants to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost-effective community settings and services. ~~DHFS must require that the community services that are developed under a grant are continued following grant termination, by use of funding made available from reduced institutional and residential care utilization.~~

This bill changes system change grants so as to eliminate the limitation on federal funding; reduce from five years to three years the maximum grant period; permit the grants to be made to entities other than counties; and require that the grant funds be made to permit recovery-oriented mental health system changes, prevention and early intervention strategies, and consumer and family involvement. Lastly, the bill requires that community services developed under a grant be continued following grant termination, by use of savings made available from incorporating recovery, prevention and early intervention strategies, and consumer and family involvement in the services.

, rather than by use of funding made available from reduced use of institutional and residential care

***** ANALYSIS FROM -0426/4 *****

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law relating to vital statistics, the state registrar or local registrars (the county registers of deeds or city registrars) may publish in a public index information from a birth certificate that is not changed or impounded concerning the name, sex, date and place of birth, and parents' names for a person born of a mother who was unmarried for the period from conception to birth. This bill limits the information that may be filed in public use indexes of certificates of birth, death, and divorce, or annulment, or marriage documents that are published by the state registrar or local registrars to the registrant's full name, date of the event, county of occurrence, county of residence and, at the discretion of the state registrar, the file number. Further, under the bill, for births that occur after September 30, 1907, certificate of birth index information may be copied or reproduced for the public only if 100 years have elapsed since the birth. Indexes of certificates of death or of divorce or annulment may be copied or reproduced for the

public after 24 months from the year in which the event occurred, but certain information on the certificate of death itself may not be inspected by or disclosed to anyone for 50 years after the date of death, except to a person who has a direct and tangible interest in the death, such as a member of the decedent's immediate family or the decedent's legal custodian or guardian.

Current law specifies procedures by which the state registrar may, without a court order, change incorrect information or insert omitted information on a vital record or must, under a court order, make those changes. Current law also requires that a certificate of birth for every birth in this state be filed in the registration district in which the birth occurs, within five days after the birth. The bill specifies procedures for the state or a local registrar to follow in recording changed information on a vital record ~~and specifies~~ special procedures for the state registrar ~~to follow~~, under a court order, in correcting facts misrepresented by an informant for a certificate of birth. The bill prohibits the state registrar from making changes on a birth certificate, without a court order, to add or delete the name of a parent or change the identity of a parent. The bill requires that the state registrar, rather than the local registrar, register births and make a copy available in the registration districts in which the birth occurred and in which the mother resided at the time of the birth.

Currently, a funeral director, a member of a decedent's immediate family, or a person authorized to dispose of unclaimed corpses or anatomically to study donated bodies who moves a corpse must, within 24 hours after the death, file certain information on a death certificate. The funeral director, family member, or person must forward the certificate to the decedent's attending physician or, for certain deaths (for example, homicides), to a coroner or medical examiner, for completion of a separate medical certification section on the death certificate. The person signing the medical certification must describe, in detail, the cause of death and must mail the death certificate within five days to the funeral director, family member, or person who is responsible for filing the death certificate. The bill requires that, beginning January 1, 2003, a certificate of death consist of three parts that contain:

- 1) Fact-of-death information (the name and other identifiers of the decedent, including the decedent's social security number; the date, time, and place that the decedent was pronounced dead; the manner of the death; the identity of the person certifying the death; and the dates of certification and filing of the death certificate).
- 2) Extended fact-of-death information (all the previous information, plus

information on final disposition and cause of death, and injury-related data). 3) Statistical-only information (all other information that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics and other data, as directed by the state registrar, including race, educational background, and health risk behavior). In addition, the bill clarifies what items on the certificate of death must be completed by persons who are required to complete medical certifications.

Under current law, the state or a local registrar must collect specified fees for issuing various documents, including a certified copy of a vital record, an additional certified copy of the same vital record, and uncertified copies of vital records, for searching vital records, and for making alterations administratively and as ordered by a court. The bill increases the amounts that the state registrar or a local registrar may charge as fees for issuing an additional certified copy of a vital record. The bill authorizes charging for issuing additional copies of uncertified vital records and for expedited service in issuing a vital record. The bill clarifies that fees must be charged for making any change that is court ordered, that is administrative, or that is a rescission of a statement acknowledging paternity. The bill also provides that a reasonable fee may be charged for providing searches of vital records and copies of vital records to state agencies for program use. *authorizes charging*

Under current law, after persons apply for a marriage license, a county clerk who receives the sworn statement of either of the applicants must correct erroneous, false, or insufficient statements in the marriage license or in the application and must show the corrected statement to the other applicant. *changes* Under the bill, a county clerk who is notified in writing by a marriage applicant that information provided for the license is erroneous *to* ~~must~~ notify the other applicant as soon as reasonably possible and, if the marriage license has not been issued, *to* prepare a new license with the correct information entered; if the marriage license has been issued, the clerk must immediately send a letter of correction to the state registrar. Also, under the bill, if the clerk discovers that correct information has been entered erroneously on the marriage license, he or she must prepare a new license if the marriage license has not been issued, or must immediately send a letter of correction to the state registrar to amend the erroneous information if the marriage license has been issued. *this procedure to require*

Under current law, the marriage document must contain the social security number of each party, as well as any other informational items that DHFS

determines are necessary. The bill requires that the marriage document consist of the marriage license and the marriage license worksheet, and that the latter contain the social security number and other information items that DHFS determines are necessary. Further, the marriage license worksheet must agree in the main with the standard form recommended by the federal agency responsible for national vital statistics; the county clerk must transmit the marriage license worksheet to the state registrar within five days after the date of issuance of the marriage license.

Currently, following a paternity action, the court must notify the state registrar of necessary changes to the child's birth certificate that result from the paternity action. This bill authorizes the county child support agency also to so notify the state registrar.

Currently, the definition of "vital records" means certificates of birth, death, and divorce or annulment, marriage documents, and related data. The bill expands the definition of "vital records" to include worksheets or electronic transmissions that use forms of electronic file formats that are approved by the state registrar and are related to birth, death, or divorce or annulment certificates or marriage documents.

*** ANALYSIS FROM -0317/1 ***

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, DHFS must collect health care information from health care providers, including physicians, hospitals, and ambulatory surgery centers, and must analyze and disseminate that information in the form of standard reports, public use data files, and custom-designed reports. DHFS may only release public use data files that do not permit the identification of specific patients, employers, or health care providers; this identification must be protected by all necessary means, including by the deletion of patient identifiers and the use of calculated and aggregated variables. In addition to these restrictions, numerous other restrictions apply to the release by DHFS of information that is submitted by health care providers other than hospitals or ambulatory surgery centers. Lastly, DHFS must prohibit purchasers of data from rereleasing individual data elements of health care data files. DHFS must define "individual data elements" by rule.

This bill eliminates the requirement that DHFS prohibit purchasers of health care information data from rereleasing individual data elements of health care data files.

*** ANALYSIS FROM -1712/2 ***
~~HEALTH AND FAMILY SERVICES~~
~~OTHER HEALTH AND FAMILY SERVICES~~

Under current law, DHFS is required to develop and submit various reports and plans to other state agencies, the governor, or the legislature. Specifically, DHFS must do the following:

1. Submit, annually, a plan to address hunger in the state and to relieve hunger in populations currently experiencing hunger to the governor, the superintendent of public instruction, and the legislature.
2. Submit, annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.
3. Submit a plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and JCF.
4. Submit a report on DHFS's progress in implementing an early intervention services program to the legislature.
5. Submit a report on DHFS's activities relating to the treatment of alcoholism to the governor.

This bill permits, rather than requires, DHFS to develop and submit these reports and plans.

Also under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS is required to submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties.

Under the bill, DHFS may submit a report to DOA on the statewide medical assistance daily cost of nursing home care. The bill eliminates the requirement that DOA must approve the report before DOA may make the payments to counties.

Finally, current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health.

The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

to the person. Also under current law, if a court orders a person to pay child or family support or maintenance, the court must order the person to pay to DWD an annual receiving and disbursing fee (R&D fee) of \$25, in every year for which maintenance, child support, or family support payments are ordered, to pay for DWD's costs associated with receiving and disbursing the maintenance, child support, or family support and maintaining a record of the receipts and disbursements.

The bill increases the R&D fee to \$35, beginning with R&D fees payable in 2002, and provides that a person paying the R&D fee must pay it not only in every year for which maintenance, child support, or family support payments are ordered but also in every year in which the person owes an arrearage in any of those payments. The bill provides that, if a person is delinquent in paying the R&D fee, the delinquent amount may be withheld from any state income tax refund or credit owed to the person upon certification of the delinquency by DWD to DOR. Before the refund or credit may be withheld, however, the person is entitled to a court hearing on whether he or she owes the amount that DWD certified to DOR. The bill also requires DWD to study what it would cost DWD to operate the statewide receipt and disbursement system, which is currently operated by a private party under contract with, and paid by, DWD.

Under current law, maintenance ~~and~~ ^{and} child or family support ~~are~~ ^{are} collected through wage assignment ~~and~~ ^{and} R&D fees ordered on or after January 1, 2000. ~~Current law provides that if~~ a person's obligation to pay maintenance, child or family support, or the R&D fee terminates, but the person has an arrearage in one or more of those payments, the wage assignment ~~will~~ ^{will} continue up to the amount of the assignment before the obligation terminated, until the arrearage is paid in full. This provision applies only to those R&D fees ordered on or after January 1, 2000, however, because only those R&D fees are paid through wage assignment. The bill broadens the application of the provision to arrearages in any R&D fees, regardless of when ordered, and also broadens the assignment that is to be continued for collection of arrearages in maintenance, child or family support, or the R&D fee. Under the bill, if there is an arrearage in maintenance, child or family support, or the R&D fee after a person's current obligation to pay maintenance or child or family support terminates, any assignment that was in effect continues until the arrearage is paid in full, regardless of whether the assignment was for the same or a different type of payment. Thus, if a person was ordered before January 1, 2000, to pay maintenance and the R&D fee and has an arrearage in the R&D fee after his or her

↓ over)

(formerly called alimony)

*** ANALYSIS FROM -0530/2 ***

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

collects and distributes

Under current law, DWD is responsible for collecting and distributing all moneys received for child or family support and maintenance. If amounts received cannot be distributed, such as when a payee has not notified DWD of a new address, or if amounts received are distributed but go unclaimed, such as when a check that is sent to a payee is not cashed within one year of the check's issuance, those amounts are considered to be abandoned or unclaimed property.

Under this state's version of the Uniform Unclaimed Property Act, DWD generally must attempt to notify the payee and report the amounts to the state treasurer every even-numbered year. The state treasurer provides public notice of all abandoned or unclaimed property reported to him or her. If the amounts remain unclaimed on the December 1 following this public notice, DWD must deliver ~~the amounts~~ to the state treasurer.

These funds that remain unclaimed after public notice

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Except for amounts sufficient to cover possible claims and the state treasurer's administrative expenses, the state treasurer ~~deposits~~ deposits all abandoned or unclaimed property in the school fund, ~~as required by article X, section 23(1)(b) of the Wisconsin Constitution.~~ Persons claiming an interest in ~~the~~ abandoned or unclaimed property ~~delivered to the state treasurer~~ may file a claim with the state treasurer to obtain the property.

Under the bill, DWD ~~will~~ all amounts received for support that cannot be distributed or that are not claimed by payees to pay for its own expenses in administering the child support program. DWD and the state treasurer still provide notice of the abandoned or unclaimed property retained by DWD, and the state treasurer pays any valid claims that are filed with respect to that property. At least quarterly, DWD must reimburse the state treasurer for the state treasurer's administrative expenses ~~relating to that property~~ and for any claims that are paid with respect to that property.

*** ANALYSIS FROM -0529/6 ***

~~HEALTH AND HUMAN SERVICES~~

~~OTHER HEALTH AND HUMAN SERVICES~~

Under current law, if a person owes an outstanding amount for past child or family support or for medical or birth expenses, or is delinquent in making court-ordered child or family support or maintenance payments, the amount that the person owes may be withheld from any state income tax refund or credit owed

obligation to pay maintenance ends, the maintenance assignment is continued until the arrearage in the R&D fee is paid in full.

*** ANALYSIS FROM -0263/2 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Current law permits a nonprofit corporation that contracts with DHFS ~~or with a county department of human services, social services, community programs, or developmental disabilities services (county department)~~ to provide client services on the basis of a prospectively set, unit rate per client service to retain a certain percentage of any surplus that is generated by those client services, and to use that retained surplus to cover any deficit incurred in any preceding or future contract period or to address the programmatic needs of its clients ~~served by those client services~~. This bill permits a county department that contracts with DHFS to provide client services on the basis of a prospectively set, unit rate per client service to retain any surplus generated by those client services and to use that retained surplus in the same way that a nonprofit corporation is permitted to retain and use such a surplus under current law. The bill, however, prohibits a county department ~~providing client services in Milwaukee County or a nonprofit corporation providing client services in that county~~ from retaining a surplus from revenues that are used to meet the maintenance-of-effort requirement under the federal temporary assistance for needy families program.

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*** ANALYSIS FROM -0443/3 ***

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHFS distributes general purpose revenues and federal revenues, as community aids, to counties to provide social, mental health, developmental disabilities, and alcohol and other drug abuse services. DHFS must distribute community aids in the form of a basic county allocation, together with certain categorical allocations, including ~~an allocation for Alzheimer's family and caregiver support~~. A county's annual community aids allocation is specified in a contract between DHFS and the county, and DHFS distributes the county's allocation in reimbursement of claims submitted by the county for moneys expended for those services. This bill sets the basic county allocations and the allocations for Alzheimer's family and caregiver support for fiscal years 2001-02 and 2002-03.

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*** ANALYSIS FROM -0442/6 ***

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***** ANALYSIS FROM -0263/2 *****

HEALTH AND HUMAN SERVICES

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HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

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***** ANALYSIS FROM -0442/6 *****

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