



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0190/2

PJK:kmg:rs

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DOA:.....Fath - BB0029, Funeral expenses and income maintenance programs

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

SOON
(1-21)
D-note

do not
get cut

1 AN ACT; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates are insufficient to pay those expenses. The county departments are reimbursed for those payments by DWD.

Also under current law, DHFS contracts with county departments to administer "income maintenance" programs and reimburses the county departments for their costs of administering those programs. An "income maintenance" program is defined as the Medical Assistance program, the Badger Care health care program, or the food stamp program.

Under this bill, DHFS, instead of DWD, reimburses county departments for the payments that they make for cemetery, funeral, and burial expenses. The bill also categorizes the program under which county departments pay cemetery, funeral, and burial expenses as an "income maintenance" program. The effect of the new categorization is that DHFS will reimburse county departments for their expenses incurred in determining eligibility for that program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert 2-1 →

1 SECTION 1. 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance*. Biennially, the amounts in the schedule

3 for funeral expenses under s. 49.78⁵ and for payments under s. ~~49.33~~^{49.78} (8) relating to

4 the administration of the ~~medical assistance~~ Medical Assistance program, the

5 badger care Badger Care health care program under s. 49.665, and the food stamp

Insert 2-6

6 program, and the cemetery, funeral, and burial expenses program under s. 49.78⁵

7 SECTION 2. 20.445 (3) (dz) of the statutes is amended to read:

8 20.445 (3) (dz) *Wisconsin works* Works and other public assistance

9 administration and benefits. The amounts in the schedule, less the amounts

10 withheld under s. 49.143 (3), for administration and benefit payments under

11 Wisconsin works Works under ss. 49.141 to 49.161, the learnfare program under s.

12 49.26, the work experience and job search program under s. 49.36, and the food

13 stamp employment and training program under s. 49.13; for payments to counties,

14 tribal governing bodies, and Wisconsin works Works agencies; for hospital paternity

15 incentive payments under s. 69.14 (1) (cm); and for job training services under the

16 workforce attachment and advancement program under s. 49.173; and for funeral

17 expenses under s. 49.30. Payments may be made from this appropriation to counties

18 for fraud investigation and error reduction under s. 49.197 (1m). Moneys

19 appropriated under this paragraph may be used to match federal funds received

20 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department

21 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.

1 20.001 (3) and 20.002 (1), the department of health and family services shall credit
2 or deposit into this appropriation account funds for the purposes of this
3 appropriation that the department transfers from the appropriation account under
4 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
5 December 31 of each year lapse to the general fund on the next January 1 unless
6 transferred to the next calendar year by the joint committee on finance.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

Insert 3-7

7 SECTION 3. 45.37 (15) (c) of the statutes is amended to read:
8 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
9 be paid from the estate of the decedent, except that if there is no estate or the estate
10 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
11 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
12 exceed the amount established for funeral and burial expenses under s. 49.30 49.78⁵
13 (1) (b).

Insert 3-13

14 SECTION 4. 49.175 (1) (j) of the statutes is repealed.
15 SECTION 5. 49.19 (5) (d) of the statutes is amended to read:
16 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
17 and cemetery expenses of a dependent child or the child's parents as provided in s.
18 49.30 49.78⁵

19 SECTION 6. 49.30 of the statutes is renumbered 49.78⁵ and 49.78⁵ (2), as
20 renumbered, is amended to read:
21 49.78⁵ (2) From the appropriations under s. 20.445 (3) (dz) and (md)
22 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
23 applicable tribal governing body or organization for any amount that the county or

1 applicable tribal governing body or organization is required to pay under sub. (1).
 2 From the appropriations under s. 20.445 (3) (dz) and (md) appropriation under s.
 3 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
 4 governing body or organization for cemetery expenses or for funeral and burial
 5 expenses for persons described under sub. (1) that the county or applicable tribal
 6 governing body or organization is not required to pay under subs. (1) and (1m) only
 7 if the department approves the reimbursement due to unusual circumstances.

Insert 4-7

8 ~~SECTION 7. 49.33 (1) (b) of the statutes is amended to read:~~

9 ~~49.33~~⁷⁸ (1) (b) "Income maintenance program" means the ~~medical assistance~~
 10 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
 11 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
 12 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.78.⁵

(END)

Insert 4-12

D-note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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INSERT 2-1 ✓

1 SECTION 1. 20.435 (4) (bm) of the statutes is amended to read:
2 20.435 (4) (bm) ~~Medical assistance~~ Assistance and badger care Badger Care
3 ~~administration; contract costs, insurer reports, and resource centers.~~ Biennially, the
4 amounts in the schedule to provide the state share of administrative contract costs
5 for the ~~medical assistance~~ Medical Assistance ✓ program under s. 49.45 and the ~~badger~~
6 ~~care~~ Badger Care ✓ health care program under s. 49.665, other than payments to
7 counties and tribal governing bodies under s. ~~49.33~~ 49.78 ✓ (8), to develop and
8 implement a registry of recipient immunizations, to reimburse insurers for their
9 costs under s. 49.475, for costs associated with outreach activities, and for services
10 of resource centers under s. 46.283. No state positions may be funded in the
11 department of health and family services from this appropriation, except positions
12 for the performance of duties under a contract in effect before January 1, 1987,
13 related to the administration of the ~~medical assistance~~ Medical Assistance ✓ program
14 between the subunit of the department primarily responsible for administering the
15 ~~medical assistance~~ Medical Assistance ✓ program and another subunit of the
16 department. Total administrative funding authorized for the program under s.
17 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

✓ ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

(END OF INSERT 2-1)

INSERT 2-6 ✓

Ins. 2-6

1 SECTION 2. 20.435 (4) (nn) of the statutes is amended to read:

2 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
3 federal government for the costs of contracting for the administration of the medical
4 assistance Medical Assistance program under subch. IV of ch. 49 and the badger care
5 Badger Care health care program under s. 49.665 and the food stamp program, other
6 than moneys received under par. (pa), for payments under s. ~~49.33~~ 49.78 (8).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (e); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

(END OF INSERT 2-6)

INSERT 3-7

7 SECTION 3. 20.512 (1) (i) of the statutes is amended to read:

8 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
9 schedule for the purpose of funding personnel services to nonstate governmental
10 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
11 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
12 this appropriation account.

History: 1977 c. 196, 418; 1979 c. 34; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 399; 1989 a. 31; 1991 a. 32, 39; 1995 a. 27, 201; 1997 a. 237; 1999 a. 9.

(END OF INSERT 3-7)

INSERT 3-13

13 SECTION 4. 46.22 (1) (d) of the statutes is amended to read:

14 46.22 (1) (d) *Merit system; records.* The county department of social services
15 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
16 all county officers and employees performing any duties in connection with the
17 administration of aid to families with dependent children shall observe all rules

1 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4) ✓ ✓
 2 and shall keep records and furnish reports as the department of workforce
 3 development requires in relation to their performance of such duties.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103.

4 **SECTION 5.** 46.22 (2) (b) of the statutes is amended to read:

5 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
 6 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
 7 approval of the county board of supervisors in a county with a single-county
 8 department of social services or the county boards of supervisors in counties with a
 9 multicounty department of social services.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103.

10 **SECTION 6.** 46.22 (3m) (a) of the statutes is amended to read:

11 46.22 (3m) (a) In any county with a county executive or a county administrator
 12 which that has established a single-county department of social services, the county
 13 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
 14 promulgated thereunder, shall appoint and supervise the county social services
 15 director. The appointment is subject to the confirmation of the county board of
 16 supervisors unless the county board of supervisors, by ordinance, elects to waive
 17 confirmation or unless the appointment is made under a civil service system
 18 competitive examination procedure established under s. 59.52 (8) or ch. 63.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103.

19 **SECTION 7.** 46.27 (7) (am) of the statutes is amended to read:

20 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
 21 shall allocate funds to each county or private nonprofit agency with which the

1 department contracts to pay assessment and case plan costs under sub. (6) not
 2 otherwise paid by fee or under s. 49.33 ~~49.78 (2)~~ or 49.45. ^{or 49.78 (2)} The department shall
 3 reimburse counties for the cost of assessing persons eligible for medical assistance
 4 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
 5 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
 6 under this paragraph to pay the cost of long-term community support services and
 7 for a risk reserve under par. (fr).

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103.

(END OF INSERT 3-13)

INSERT 4-7

8 SECTION 8. 49.32 (2) (d) of the statutes is amended to read:
 9 49.32 (2) (d) The department shall disburse from state or federal funds or both
 10 the entire amount and charge the county for its share under s. 49.33 ~~49.78~~ (8).

History: 1995 a. 27 ss. 2035 to 2037, 2276d, 2805 to 2809, 2927 to 2930, 3146 to 3149; 1995 a. 289, 361, 370, 404; 1997 a. 27, 35, 237, 252, 283; 2001 a. 16.
 ****NOTE: See my questions about this paragraph in my D-note.

11 SECTION 9. 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2), (3),
 12 (4), (7), (8) (a) and (10), as renumbered, are amended to read:

(END OF INSERT 4-7)

INSERT 4-12

13 ~~SECTION 10. 49.33 (2) of the statutes is amended to read.~~
 14 ~~49.33~~ (2) CONTRACTS. Annually, the department of health and family services
 15 shall contract with county departments under ss. 46.215, 46.22, and 46.23, and may
 16 contract with tribal governing bodies, to reimburse the county departments and
 17 tribal governing bodies for the reasonable cost of administering income maintenance
 18 programs.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

1 ~~SECTION 11. 49.33 (3) of the statutes is amended to read:~~

2 ~~49.33~~ (3) RULES. The department of workforce development shall promulgate
3 rules establishing standards of competency, including training requirements, for
4 income maintenance workers.

5 Cross Reference: Cross Reference: See also ch. DWD 17, Wis. adm. code. Cross Reference:
History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

6 ~~SECTION 12. 49.33 (4) of the statutes is amended to read:~~

7 ~~49.33~~ (4) RULES; MERIT SYSTEM. The department of workforce development shall
8 promulgate rules for the efficient administration of aid to families with dependent
9 children in agreement with the requirement for federal aid, including the
10 establishment and maintenance of personnel standards on a merit basis. The
11 provisions of this section relating to personnel standards on a merit basis supersede
12 any inconsistent provisions of any law relating to county personnel. This subsection
13 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

14 ~~SECTION 13. 49.33 (7) of the statutes is amended to read:~~

15 ~~49.33~~ (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
16 sub. (4), the department of workforce development where requested by the county
17 shall delegate to that county, without restriction because of enumeration, any or all
18 of the department's department of workforce development's authority under sub. (4)
19 to establish and maintain personnel standards including salary levels.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

20 ~~SECTION 14. 49.33 (8) (a) of the statutes is amended to read:~~

21 ~~49.33~~ (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn)
22 and subject to par. (b), the department of ~~health and family services~~ shall reimburse
23 each county and tribal governing body that contracts with the department under sub.
24 (2) for reasonable costs of administering the income maintenance programs. The

1 amount of each reimbursement paid under this paragraph shall be calculated using
 2 a formula based on workload within the limits of available state and federal funds
 3 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33 sub.~~ (2). The amount of
 4 reimbursement calculated under this paragraph and par. (b) is in addition to any
 5 reimbursement provided to a county or tribal governing body for fraud and error
 6 reduction under s. 49.197 (1m) and (4).

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

~~SECTION 15. 49.33 (10) (a) of the statutes is amended to read:~~

8

CS County certification.

9 s. 46.215, 46.22, or 46.23 and each tribal governing body shall certify monthly under
 10 oath to the department of health and family services in such manner as the
 11 department of health and family services prescribes the claim of the county for state
 12 reimbursement under sub. (8) (a). The department of health and family services
 13 shall review each claim of reimbursement and, if the department of health and
 14 family services approves the claim, the department of health and family services
 15 shall certify to the department of administration for reimbursement to the county for
 16 amounts due under sub. (8) (a) and payment claimed to be made to the counties
 17 monthly. The department of health and family services may make advance
 18 payments prior to the beginning of each month equal to one-twelfth of the contracted
 19 amount.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

~~SECTION 16. 49.33 (10) (b) of the statutes is amended to read:~~

21

~~49.33 (10)~~ (b) To facilitate prompt reimbursement the certificate of the
 22 department of health and family services may be based on the certified statements
 23 of the county officers or tribal governing body executives filed under par. (a). Funds
 24 recovered from audit adjustments from a prior fiscal year may be included in

1 subsequent certifications only to pay counties owed funds as a result of any audit
 2 adjustment. By September 30 annually, the department of health and family
 3 services shall submit a report to the appropriate standing committees under s.
 4 13.172 (3) on funds recovered and paid out during the previous calendar year as a
 5 result of audit adjustments.

History: 1995 a. 27 ss. 2041 to 2049, 2933 to 2936, 3084 to 3087, 3130; 1995 a. 289, 417; 1997 a. 27; 2001 a. 16.

6 **SECTION 17. 49.45 (2) (a) 3. of the statutes is amended to read:**

7 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
 8 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
 9 policies adopted by the department and shall, under a contract under s. ~~49.33~~ 49.78
 10 (2), designate this function to the county department under s. 46.215, 46.22, or 46.23
 11 or a tribal governing body.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

12 **SECTION 18. 49.45 (3) (a) of the statutes is amended to read:**

13 49.45 (3) (a) Reimbursement shall be made to each county department under
 14 ss. 46.215, 46.22, and 46.23 for the administrative services performed in the medical
 15 assistance Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
 16 purposes of reimbursement under this paragraph, assessments completed under s.
 17 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
 18 Assistance program.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

19 **SECTION 19. 49.496 (4) of the statutes is amended to read:**

1 49.496 (4) ADMINISTRATION. The department may require a county department
 2 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
 3 American Indian tribe administering medical assistance to gather and provide the
 4 department with information needed to recover medical assistance under this
 5 section. The department shall pay to a county department or tribal governing body
 6 an amount equal to 5% of the recovery collected by the department relating to a
 7 beneficiary for whom the county department or tribal governing body made the last
 8 determination of medical assistance eligibility. A county department or tribal
 9 governing body may use funds received under this subsection only to pay costs
 10 incurred under this subsection and, if any amount remains, to pay for improvements
 11 to functions required under s. ~~49.33~~ [✓] 49.78 (2). The department may withhold
 12 payments under this subsection for failure to comply with the department's
 13 requirements under this subsection. The department shall treat payments made
 14 under this subsection as costs of administration of the ~~medical assistance~~ Medical
 15 Assistance program.

History: 1991 a. 39, 269; 1993 a. 301, 437, 491; 1995 a. 27; 1997 a. 27; 1999 a. 9.

16 **SECTION 20.** 49.79 (4) of the statutes is amended to read:

17 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
 18 department shall withhold the value of food stamp losses for which a county or
 19 federally recognized American Indian tribe is liable under sub. (3) from the payment
 20 to the county or tribe under income maintenance contracts under s. ~~49.33~~ [✓] 49.78 and
 21 reimburse the federal government from the funds withheld.

History: 2001 a. 16 ss. 1656sy to 1656tjk, 1656tr, 1656ts to 1656tx, 1838sb to 1838td.; Stats 2001 s. 49.79.

22 **SECTION 21.** 59.22 (2) (c) 2. of the statutes is amended to read:

23 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
 24 rules of the department of ~~health and family services~~ workforce development under

1 s. ~~49.33~~ [✓]49.78[✓] (4) to (7) relating to employees administering old-age assistance, aid
2 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
3 permanently disabled persons or ss. 63.01 to 63.17.

History: 1973 c. 118; 1977 c. 372; 1981 c. 317; 1987 a. 181; 1989 a. 48, 107; 1991 a. 316; 1995 a. 27 ss. 3287, 9126 (19); 1995 a. 201 ss. 257 to 260; Stats. 1995 s. 59.22; 1995 a. 225 s. 146; 1997 a. 35; 1999 a. 83.

4 **SECTION 22.** 230.45 (1) (e) of the statutes is amended to read:

5 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
6 under s. ~~49.33~~ [✓]49.78[✓] (4), from any interested party.

History: 1977 c. 196; 1979 c. 221; 1981 c. 334 s. 25 (2); 1981 c. 360; 1983 a. 27, 398, 409; 1987 a. 140, 331; 1987 a. 403 s. 256; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 131, 216; 1999 a. 176; 2001 a. 26, 38.

(END OF INSERT 4-12)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0190/3dn

PJK: ~~king~~

king

Erin:

1. I renumbered s. 49.33 to ^{s.} 49.78, which necessitated renumbering s. 49.30 to ^{be s.} 49.785, instead of to 49.78. Please review all of the sections that I have amended (for cross-references) carefully. I discovered an instance in current law (s. 59.22 (2) (c) 2.) in which the wrong department was mentioned so I changed it (departmental responsibility for rules under s. 49.33 may have changed in the past).

2. Take a look at s. 49.32 (2) (d). That paragraph does not seem correct, but it is a little too vague for me to amend or move to DHFS. It doesn't seem that DWD should be charging a county for "its share" (whatever that might be) of anything under s. 49.33, since DHFS reimburses counties for both the funeral expenses that they pay and for their administrative expenses. DWD used to reimburse counties for the funeral expenses that they paid, but that was not authorized under sub. (8) of s. 49.33. Should this paragraph be amended, repealed, or moved to a DHFS section?

(I get the feeling that "income maintenance" has moved back and forth between DHFS and DWD in the past.)

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0190/3dn
PJK:kmg:pg

January 22, 2003

Erin:

1. I renumbered s. 49.33 to be s. 49.78, which necessitated renumbering s. 49.30 to be s. 49.785, instead of to s. 49.78. Please review all of the sections that I have amended (for cross-references) carefully. I discovered an instance in current law (s. 59.22 (2) (c) 2.) in which the wrong department was mentioned so I changed it (departmental responsibility for rules under s. 49.33 may have changed in the past).

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Centralize Some Income Maintenance Functions

This provision would revise the provision requiring counties to perform all income maintenance administrative duties. The provision would thus allow the department to administer some portion (but not necessarily all) of income maintenance administration centrally.

Existing Language:

49.45 Medical Assistance; administration.

(2) Duties.

(a) The Department shall:

3. Determine the eligibility of persons for medical assistance, rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and policies adopted by the department and shall, under a contract under s. 49.33 (2), designate this function to the county department under s. 46.215, 46.22, or 46.23 or a tribal governing body

Proposed Language:

49.45 Medical Assistance; administration.

(2) Duties.

(a) The Department shall:

3. Determine the eligibility of persons for medical assistance, rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and policies adopted by the department and may shall, under a contract under s. 49.33 (2), designate this function to the county department under s. 46.215, 46.22, or 46.23 or a tribal governing body

Transfer the CARES Computer System

Proposed Session Law to direct DHFS and DWD to jointly develop a plan to transfer the Client Assistance for Reemployment and Economic Support (CARES) system from DWD to DHFS. The plan would be submitted to the Department of Administration by March 1, 2004 and identify the position and expenditure authority necessary to make the transfer of agreed upon administrative functions for the CARES system effective July 1, 2004. The Department of Administration shall certify the proposal is budget neutral, and then submit the plan to the Joint Committee on Finance would have 14 working day passive review of the plan. If the Department of Administration determines the proposal is not budget neutral, the Secretary shall return the plan to the two agencies and require them to resubmit the proposal as a 2005-07 biennial budget item.

The session law can be modeled after similar session law for the transfer of the Food Stamp Program in 2001 Act 16, Section 9158 (9q). It is marked up below with suggested changes.

FOOD STAMP TRANSFER CLIENT ASSISTANCE for REEMPLOYMENT AND ECONOMIC SUPPORT (CARES). No later than March 1, 2002~~4~~, the department of health and family services and the department of workforce development shall submit a proposal to the secretary of administration for supplemental expenditure and position authority necessary to transfer ~~all~~ agreed upon administrative functions related to the CARES system ~~food stamp program authorized under 7 USC 2011 to 2036~~ from the department of workforce development to the department of health and family services effective July 1, 2004. If the secretary of administration finds the proposal would increase costs of administering the CARES system, the plan shall not be approved and shall be resubmitted by the department's to the secretary of administration for consideration in the 2005-07 biennial budget. If the secretary of administration determines the proposal is budget neutral and approves the plan, the secretary shall

submit the proposal to the cochairpersons of the joint committee on finance. If the cochairpersons of the committee do not notify the secretary of administration within 14 working days after receiving the proposal that the cochairpersons have scheduled a meeting for the purpose of reviewing the proposal, the secretary of administration shall approve the proposed expenditure and position authority, as authorized under current law. If, with 14 working days after receiving the proposal, the cochairpersons notify the secretary of administration that the cochairpersons have scheduled a meeting for the purpose of reviewing the proposal, the secretary of administration may not approve the proposed expenditure and position authority, except as approved by the committee and as authorized under current law.

Kahler, Pam

From: Blaine, Robert
Sent: Thursday, January 23, 2003 9:58 AM
To: Kahler, Pam
Cc: Fath, Erin
Subject: Draft 0190/3

Hi Pam --

We were about to send over a new draft regarding Income Maintenance administration, but wondered if it would be quicker to amend draft 0190/3 (the burials transfer). Attached is the language we would need. Please let me know if you would rather us submit this as a new drafting request. If it's okay to use 0190/3, Erin Fath will continue to be the point person.

Thanks,
Robert



IM Language.doc

Robert Blaine

State Budget Office -- WI Dept. of Administration
608/267-7980
608/267-0372 (fax)
robert.blaine@doa.state.wi.us

Kahler, Pam

From: Blaine, Robert
Sent: Thursday, January 23, 2003 11:39 AM
To: Kahler, Pam
Cc: Miller, Anne; Fath, Erin
Subject: RE: Draft 0190/3

Re centralized IM.

Pam -- it's my assumption that the preadmission screening would stay at the counties. Anne -- if this is incorrect, please respond directly to Pam.

-----Original Message-----

From: Kahler, Pam
Sent: Thursday, January 23, 2003 11:20 AM
To: Blaine, Robert
Subject: RE: Draft 0190/3

Robert:

I'm going to assume that only s. 49.45 (2) (a) 3. (determining eligibility) needs to be changed (obviously there will be many other changes that stem from this change) and that s. 49.45 (2) (a) 19.(preadmission screening, etc.), for example, should still be the responsibility of a county department. Correct?

Kahler, Pam

From: Miller, Anne
Sent: Thursday, January 23, 2003 2:46 PM
To: Blaine, Robert
Cc: Fath, Erin; Kahler, Pam; Megna, Richard
Subject: RE: Draft 0190/3

Yes, Robert, that is correct. The preadmission screening under 49.45 (2) (a) 19. (PASARR) is not related to the IM contract.

Thanks,
- Anne

>>> Blaine, Robert 01/23/03 11:38AM >>>
Re centralized IM.

Pam -- it's my assumption that the preadmission screening would stay at the counties. Anne -- if this is incorrect, please respond directly to Pam.

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From: Kahler, Pam
Sent: Thursday, January 23, 2003 11:20 AM
To: Blaine, Robert
Subject: RE: Draft 0190/3

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-01904

PJK:kmg:pg

revision

DOA:.....Fath - BB0029, Funeral expenses and income maintenance programs

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

*SOON
(1-27)
D-note*

*do not
get cut*

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates are insufficient to pay those expenses. The county departments are reimbursed for those payments by DWD.

Also under current law, DHFS contracts with county departments to administer "income maintenance" programs and reimburses the county departments for their costs of administering those programs. An "income maintenance" program is defined as the Medical Assistance program, the Badger Care health care program, or the food stamp program.

Under this bill, DHFS, instead of DWD, ^{reimburses} county departments for the payments that they make for cemetery, funeral, and burial expenses. The bill ~~also~~ categorizes the program under which county departments pay cemetery, funeral, and burial expenses as an "income maintenance" program. ~~That is~~ ^{insert A} is that DHFS will reimburse county departments for their expenses incurred in determining eligibility for that program.

the effect of which

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (4) (bm) of the statutes is amended to read:

2 20.435 (4) (bm) ~~Medical assistance~~ Assistance and badger-care Badger Care
3 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
4 amounts in the schedule to provide the state share of administrative contract costs
5 for the ~~medical assistance~~ Medical Assistance program under s. 49.45 and the badger
6 care Badger Care health care program under s. 49.665, other than payments to
7 counties and tribal governing bodies under s. ~~49.33~~ 49.78 (8), to develop and
8 implement a registry of recipient immunizations, to reimburse insurers for their
9 costs under s. 49.475, for costs associated with outreach activities, and for services
10 of resource centers under s. 46.283. No state positions may be funded in the
11 department of health and family services from this appropriation, except positions
12 for the performance of duties under a contract in effect before January 1, 1987,
13 related to the administration of the ~~medical assistance~~ Medical Assistance program
14 between the subunit of the department primarily responsible for administering the
15 ~~medical assistance~~ Medical Assistance program and another subunit of the
16 department. Total administrative funding authorized for the program under s.
17 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 **SECTION 2.** 20.435 (4) (bn) of the statutes is amended to read:

19 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
20 for funeral expenses under s. 49.785 and for payments under s. ~~49.33~~ 49.78 (8)

1 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
2 the ~~badger care~~ Badger Care health care program under s. 49.665, ~~and the food~~
3 ~~stamp program, and the cemetery, funeral, and burial expenses program under s.~~
4 49.785.

5 **SECTION 3.** 20.435 (4) (nn) of the statutes is amended to read:

6 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
7 federal government for the costs of contracting for the administration of the ~~medical~~
8 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~
9 Badger Care health care program under s. 49.665 and the food stamp program, other
10 than moneys received under par. (pa), for payments under s. ~~49.33~~ 49.78 (8).

11 **SECTION 4.** 20.445 (3) (dz) of the statutes is amended to read:

12 20.445 (3) (dz) *Wisconsin works* Works *and other public assistance*
13 *administration and benefits.* The amounts in the schedule, less the amounts
14 withheld under s. 49.143 (3), for administration and benefit payments under
15 Wisconsin ~~works~~ Works under ss. 49.141 to 49.161, the learnfare program under s.
16 49.26, the work experience and job search program under s. 49.36, and the food
17 stamp employment and training program under s. 49.13; for payments to counties,
18 tribal governing bodies, and Wisconsin ~~works~~ Works agencies; for hospital paternity
19 incentive payments under s. 69.14 (1) (cm); and for job training services under the
20 workforce attachment and advancement program under s. 49.173; ~~and for funeral~~
21 ~~expenses under s. 49.30.~~ Payments may be made from this appropriation to counties
22 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
23 appropriated under this paragraph may be used to match federal funds received
24 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
25 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.

1 20.001 (3) and 20.002 (1), the department of health and family services shall credit
2 or deposit into this appropriation account funds for the purposes of this
3 appropriation that the department transfers from the appropriation account under
4 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
5 December 31 of each year lapse to the general fund on the next January 1 unless
6 transferred to the next calendar year by the joint committee on finance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 5.** 20.512 (1) (i) of the statutes is amended to read:

8 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
9 schedule for the purpose of funding personnel services to nonstate governmental
10 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
11 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
12 this appropriation account.

13 **SECTION 6.** 45.37 (15) (c) of the statutes is amended to read:

14 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
15 be paid from the estate of the decedent, except that if there is no estate or the estate
16 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
17 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
18 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
19 (1) (b).

20 **SECTION 7.** 46.22 (1) (d) of the statutes is amended to read:

21 46.22 (1) (d) *Merit system; records.* The county department of social services
22 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
23 all county officers and employees performing any duties in connection with the

1 administration of aid to families with dependent children shall observe all rules
2 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
3 and shall keep records and furnish reports as the department of workforce
4 development requires in relation to their performance of such duties.

5 **SECTION 8.** 46.22 (2) (b) of the statutes is amended to read:

6 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
7 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
8 approval of the county board of supervisors in a county with a single-county
9 department of social services or the county boards of supervisors in counties with a
10 multicounty department of social services.

11 **SECTION 9.** 46.22 (3m) (a) of the statutes is amended to read:

12 46.22 (3m) (a) In any county with a county executive or a county administrator
13 ~~which~~ that has established a single-county department of social services, the county
14 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
15 promulgated thereunder, shall appoint and supervise the county social services
16 director. The appointment is subject to the confirmation of the county board of
17 supervisors unless the county board of supervisors, by ordinance, elects to waive
18 confirmation or unless the appointment is made under a civil service system
19 competitive examination procedure established under s. 59.52 (8) or ch. 63.

20 **SECTION 10.** 46.27 (7) (am) of the statutes is amended to read:

21 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
22 shall allocate funds to each county or private nonprofit agency with which the
23 department contracts to pay assessment and case plan costs under sub. (6) not
24 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
25 reimburse counties for the cost of assessing persons eligible for medical assistance

1 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
2 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
3 under this paragraph to pay the cost of long-term community support services and
4 for a risk reserve under par. (fr).

5 **SECTION 11.** 49.175 (1) (j) of the statutes is repealed.

6 **SECTION 12.** 49.19 (5) (d) of the statutes is amended to read:

7 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
8 and cemetery expenses of a dependent child or the child's parents as provided in s.
9 ~~49.30~~ 49.785.

10 **SECTION 13.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
11 renumbered, is amended to read:

12 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
13 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
14 applicable tribal governing body or organization for any amount that the county or
15 applicable tribal governing body or organization is required to pay under sub. (1).
16 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
17 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
18 governing body or organization for cemetery expenses or for funeral and burial
19 expenses for persons described under sub. (1) that the county or applicable tribal
20 governing body or organization is not required to pay under subs. (1) and (1m) only
21 if the department approves the reimbursement due to unusual circumstances.

22 **SECTION 14.** 49.32 (2) (d) of the statutes is amended to read:

23 49.32 (2) (d) The department shall disburse from state or federal funds or both
24 the entire amount and charge the county for its share under s. ~~49.33~~ 49.78 (8).

****NOTE: See my questions about this paragraph in my D-note.

1 **SECTION 15.** 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
2 (3), (4), (7), (8) (a) and (10), as renumbered, are amended to read:

3 49.78 (1) (b) “Income maintenance program” means the ~~medical assistance~~
4 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
5 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
6 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

7 **(2) CONTRACTS.** Annually, the department of ~~health and family services~~ shall
8 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
9 contract with tribal governing bodies, to reimburse the county departments and
10 tribal governing bodies for the reasonable cost of administering income maintenance
11 programs.

12 **(3) RULES.** The department of workforce development shall promulgate rules
13 establishing standards of competency, including training requirements, for income
14 maintenance workers.

15 **(4) RULES; MERIT SYSTEM.** The department of workforce development shall
16 promulgate rules for the efficient administration of aid to families with dependent
17 children in agreement with the requirement for federal aid, including the
18 establishment and maintenance of personnel standards on a merit basis. The
19 provisions of this section relating to personnel standards on a merit basis supersede
20 any inconsistent provisions of any law relating to county personnel. This subsection
21 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

22 **(7) COUNTY PERSONNEL SYSTEMS.** Pursuant to rules promulgated under sub. (4),
23 the department of workforce development where requested by the county shall
24 delegate to that county, without restriction because of enumeration, any or all of the

1 ~~department's~~ department of workforce development's authority under sub. (4) to
2 establish and maintain personnel standards including salary levels.

3 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
4 subject to par. (b), the department of ~~health and family services~~ shall reimburse each
5 county and tribal governing body that contracts with the department under sub. (2)
6 for reasonable costs of administering the income maintenance programs. The
7 amount of each reimbursement paid under this paragraph shall be calculated using
8 a formula based on workload within the limits of available state and federal funds
9 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
10 reimbursement calculated under this paragraph and par. (b) is in addition to any
11 reimbursement provided to a county or tribal governing body for fraud and error
12 reduction under s. 49.197 (1m) and (4).

13 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
14 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
15 certify monthly under oath to the department of ~~health and family services~~ in such
16 manner as the department of ~~health and family services~~ prescribes the claim of the
17 county for state reimbursement under sub. (8) (a). The department of ~~health and~~
18 ~~family services~~ shall review each claim of reimbursement and, if the department of
19 ~~health and family services~~ approves the claim, the department of ~~health and family~~
20 ~~services~~ shall certify to the department of administration for reimbursement to the
21 county for amounts due under sub. (8) (a) and payment claimed to be made to the
22 counties monthly. The department of ~~health and family services~~ may make advance
23 payments prior to the beginning of each month equal to one-twelfth of the contracted
24 amount.

1 (b) To facilitate prompt reimbursement the certificate of the department of
 2 health and family services may be based on the certified statements of the county
 3 officers or tribal governing body executives filed under par. (a). Funds recovered
 4 from audit adjustments from a prior fiscal year may be included in subsequent
 5 certifications only to pay counties owed funds as a result of any audit adjustment.
 6 By September 30 annually, the department of health and family services shall
 7 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
 8 recovered and paid out during the previous calendar year as a result of audit
 9 adjustments.

10 **SECTION 16.** 49.45 (2) (a) 3. of the statutes is amended to read:

11 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
 12 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
 13 policies adopted by the department and ~~shall~~ ^{may} under a contract under s. 49.33 49.78
 14 (2), ~~designate~~ ^{this function} to the county department under s. 46.215, 46.22, or 46.23
 15 or a tribal governing body. delegate all, or any portion, of

16 **SECTION 17.** 49.45 (3) (a) of the statutes is amended to read:

17 49.45 (3) (a) Reimbursement shall be made to each county department under
 18 ss. 46.215, 46.22, and 46.23 for ~~the~~ ^{any} administrative services performed in the medical
 19 assistance Medical Assistance program on the basis of s. 49.33 49.78 (8). For
 20 purposes of reimbursement under this paragraph, assessments completed under s.
 21 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
 22 Assistance program.

23 **SECTION 18.** 49.496 (4) of the statutes is amended to read:

24 49.496 (4) ADMINISTRATION. The department may require a county department
 25 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized

Insert 9-22

1 American Indian tribe administering medical assistance to gather and provide the
2 department with information needed to recover medical assistance under this
3 section. The department shall pay to a county department or tribal governing body
4 an amount equal to 5% of the recovery collected by the department relating to a
5 beneficiary for whom the county department or tribal governing body made the last
6 determination of medical assistance eligibility. A county department or tribal
7 governing body may use funds received under this subsection only to pay costs
8 incurred under this subsection and, if any amount remains, to pay for improvements
9 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
10 payments under this subsection for failure to comply with the department's
11 requirements under this subsection. The department shall treat payments made
12 under this subsection as costs of administration of the ~~medical assistance~~ Medical
13 Assistance program.

14 **SECTION 19.** 49.79 (4) of the statutes is amended to read:

15 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
16 department shall withhold the value of food stamp losses for which a county or
17 federally recognized American Indian tribe is liable under sub. (3) from the payment
18 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
19 reimburse the federal government from the funds withheld.

20 **SECTION 20.** 59.22 (2) (c) 2. of the statutes is amended to read:

21 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
22 rules of the department of ~~health and family services~~ workforce development under
23 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid
24 to families with dependent children, aid to the blind ~~and, or~~ aid to totally and
25 permanently disabled persons or ss. 63.01 to 63.17.

1 **SECTION 21.** 230.45 (1) (e) of the statutes is amended to read:

2 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
3 under s. ~~49.33~~ 49.78 (4), from any interested party.

4

(END)

Insert 11-3

D-note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0190/4ins
PJK:kmg:pg

INSERT A ✓

not The bill also changes to permissive the current law requirement that DHFS delegate to county departments the administrative function of determining eligibility under the Medical Assistance program. *administration* ✓

✓
The bill directs DHFS and DWD to submit to the secretary of *DOA* a proposal for transferring administration of the Client Assistance for Reemployment and Economic Support (CARES) system from DWD to DHFS. If the secretary of *DOA* finds that the proposal does not increase the cost of administering the CARES system, the secretary must submit the proposal to JCF. If the cochairpersons of JCF do not notify the secretary of *DOA* within 14 days that a meeting is scheduled to review the proposal, the secretary must approve the expenditure and position authority in the proposal. If JCF *does meet* to review the proposal, however, the secretary may approve only the expenditure and position authority approved by JCF. *meets*

(END OF INSERT A)

INSERT 9-22 ✓

1 SECTION 1. 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:
2 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
3 department shall give the applicant or recipient reasonable notice and opportunity
4 for a fair hearing. The department may make such additional investigation as it
5 considers necessary. Notice of the hearing shall be given to the applicant or recipient
6 and to the county clerk or, if a county department under s. 46.215, 46.22, or 46.23 or
7 a Wisconsin works Works agency is responsible for making the medical assistance
8 determination, to the county clerk of the county or the Wisconsin works Works
9 agency. The county or the Wisconsin works Works agency may be represented at such
10 hearing. The department shall render its decision as soon as possible after the
11 hearing and shall send a certified copy of its decision to the applicant or recipient,
12 *to* the county clerk, and to the any county officer or the Wisconsin works Works
13 agency charged with administration of the medical assistance Medical Assistance
14 program. The decision of the department shall have the same effect as an order of

1 the a county officer or the Wisconsin works Works agency charged with the
2 administration of the ~~medical assistance~~ Medical Assistance program. The decision
3 shall be final, but may be revoked or modified as altered conditions may require. The
4 department shall deny a petition for a hearing or shall refuse to grant relief if:

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

****NOTE: Is this okay as amended? I don't know to whom DHFS wants all of the notices to be given and under what circumstances. ✓

5 SECTION 2. 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

6 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
7 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
8 suspended, reduced, or discontinued until a decision is rendered after the hearing
9 but medical assistance payments made pending the hearing decision may be
10 recovered by the department if the contested decision or failure to act is upheld. The
11 If a county department or ~~department shall promptly notify the county department~~
12 or, if a Wisconsin works Works agency is responsible for making the medical
13 assistance determination, the department shall notify the county department or the
14 Wisconsin works Works agency of the county in which the recipient resides that the
15 recipient has requested a hearing. Medical assistance coverage shall be suspended,
16 reduced, or discontinued if:

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

17 SECTION 3. 49.45 (19) (bm) of the statutes is amended to read:

1 **49.45 (19) (bm)** The department or the county department under s. 46.215 or
2 46.22 shall notify applicants of the requirements of this subsection at the time of
3 application.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

4 **SECTION 4. 49.45 (36)** of the statutes is amended to read:

strike space

5 **49.45 (36) HOMELESS BENEFICIARIES.** ~~A~~ The department or a county department
6 under s. 46.215, 46.22, or 46.23 may not place the word "homeless" on the medical
7 assistance identification card of any person who is determined to be eligible for
8 medical assistance benefits and who is homeless.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109.

(END OF INSERT 9-22)

INSERT 10-13

e

9 **SECTION 5. 49.497 (1)** of the statutes is amended to read:

10 **49.497 (1)** The department may recover any payment made incorrectly for
11 benefits specified under s. 49.46, 49.468, or 49.47 if the incorrect payment results
12 from any misstatement or omission of fact by a person supplying information in an
13 application for benefits under s. 49.46, ~~49.468,~~ or 49.47. The department may also
14 recover if a medical assistance recipient or any other person responsible for giving
15 information on the recipient's behalf fails to report the receipt of income or assets in
16 an amount that would have affected the recipient's eligibility for benefits. The
17 department's right of recovery is against any medical assistance recipient to whom
18 or on whose behalf the incorrect payment was made. The extent of recovery is limited

1 to the amount of the benefits incorrectly granted. The A county department under
 2 s. 46.215 or 46.22 or the governing body of a federally recognized American Indian
 3 tribe administering medical assistance shall begin recovery actions on behalf of the
 4 department according to rules promulgated by the department.

History: 1981 c. 20; 1983 a. 27, 192; 1985 a. 176; 1987 a. 27; 1989 a. 31, 173, 359.

(END OF INSERT 10-13)

INSERT 11-3

SECTION 9124. Nonstatutory provisions; health and family services.

5 (1) TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT
 6 SYSTEM. No later than March 1, 2004, the department of health and family services
 7 and the department of workforce development shall submit a proposal to the
 8 secretary of administration for supplemental expenditure and position authority
 9 necessary to transfer, effective July 1, 2004, agreed upon administrative functions
 10 related to the client assistance for reemployment and economic support system from
 11 the department of workforce development to the department of health and family
 12 services. If the secretary of administration finds that the proposal would increase
 13 the costs of administering the client assistance for reemployment and economic
 14 support system, the secretary shall disapprove the plan, and the department of
 15 health and family services and the department of workforce development shall
 16 resubmit a proposal to the secretary of administration for consideration in the
 17 2005-07 biennial budget bill. If the secretary of administration finds that the
 18 proposal would not increase the costs of administering the client assistance for
 19 reemployment and economic support system and approves the plan, the secretary
 20 shall submit the proposal to the cochairpersons of the joint committee on finance.
 21 If the cochairpersons of the committee do not notify the secretary of administration
 22

1 within 14 working days after receiving the proposal that the cochairpersons have
2 scheduled a meeting for the purpose of reviewing the proposal, the secretary of
3 administration shall approve the proposed expenditure and position authority, as
4 authorized under current law. If, within 14 working days after receiving the proposal
5 the cochairpersons notify the secretary of administration that the cochairpersons
6 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
7 administration may not approve the proposed expenditure and position authority,
8 except as approved by the committee and as authorized under current law.

(END OF INSERT 11-3)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0190/4dn
PJK:kmg:pg



Erin:

*add
1 space*
1. I hope I caught all of the sections that needed to be modified because of the change to s. 49.45 (2) (a) 3. with respect to determining eligibility. If there are others that you or DHFS is aware of, be sure to let me know.

2. (From the last D-note) Take a look at s. 49.32 (2) (d). That paragraph does not seem correct, but it is a little too vague for me to amend or move to DHFS. It doesn't seem that DWD should be charging a county for "its share" (whatever that might be) of anything under s. 49.33, since DHFS reimburses counties for both the funeral expenses that they pay and for their administrative expenses. DWD used to reimburse counties for the funeral expenses that they paid, but that was not authorized under sub. (8) of s. 49.33. Should this paragraph be amended, repealed, or moved to a DHFS section?

Pamela J. Kahler
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0190/4dn
PJK:kmg:rs

January 28, 2003

Erin:

1. I hope I caught all of the sections that needed to be modified because of the change to s. 49.45 (2) (a) 3. with respect to determining eligibility. If there are others that you or DHFS is aware of, be sure to let me know.
2. (From the last D-note) Take a look at s. 49.32 (2) (d). That paragraph does not seem correct, but it is a little too vague for me to amend or move to DHFS. It doesn't seem that DWD should be charging a county for "its share" (whatever that might be) of anything under s. 49.33, since DHFS reimburses counties for both the funeral expenses that they pay and for their administrative expenses. DWD used to reimburse counties for the funeral expenses that they paid, but that was not authorized under sub. (8) of s. 49.33. Should this paragraph be amended, repealed, or moved to a DHFS section?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0190/5

PJK:kmg:rs

v mis run

DOA:.....Fath - BB0029, Funeral expenses and income maintenance programs

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SOON (1-31)
D-note
(pp. 7, 11, + 14)
D-note

do not get cut

1 AN ACT *relating to:* the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, county departments of social services or human services (county departments) pay cemetery, funeral, and burial expenses for decedents who, during life, received certain public assistance benefits, such as Wisconsin Works benefits or Medical Assistance benefits, and whose estates are insufficient to pay those expenses. The county departments are reimbursed for those payments by DWD.

Also under current law, DHFS contracts with county departments to administer "income maintenance" programs and reimburses the county departments for their costs of administering those programs. An "income maintenance" program is defined as the Medical Assistance program, the Badger Care health care program, or the food stamp program.

Under this bill, DHFS, instead of DWD, will reimburse county departments for the payments that they make for cemetery, funeral, and burial expenses. The bill categorizes the program under which county departments pay cemetery, funeral, and burial expenses as an "income maintenance" program, the effect of which is that DHFS will reimburse county departments for their expenses incurred in

determining eligibility for that program. The bill also changes to permissive the current law requirement that DHFS delegate to county departments the administrative function of determining eligibility under the Medical Assistance program.

The bill directs DHFS and DWD to submit to the secretary of administration a proposal for transferring administration of the Client Assistance for Reemployment and Economic Support (CARES) system from DWD to DHFS. If the secretary of administration finds that the proposal does not increase the cost of administering the CARES system, the secretary must submit the proposal to JCF. If the cochairpersons of JCF do not notify the secretary of administration within 14 days that a meeting is scheduled to review the proposal, the secretary must approve the expenditure and position authority in the proposal. If JCF meets to review the proposal, however, the secretary may approve only the expenditure and position authority approved by JCF.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.435 (4) (bm) of the statutes is amended to read:

2 20.435 (4) (bm) *Medical assistanee Assistance and badger care Badger Care*
3 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
4 amounts in the schedule to provide the state share of administrative contract costs
5 for the ~~medical assistanee~~ Medical Assistance program under s. 49.45 and the ~~badger~~
6 ~~care~~ Badger Care health care program under s. 49.665, other than payments to
7 counties and tribal governing bodies under s. ~~49.33~~ 49.78 (8), to develop and
8 implement a registry of recipient immunizations, to reimburse insurers for their
9 costs under s. 49.475, for costs associated with outreach activities, and for services
10 of resource centers under s. 46.283. No state positions may be funded in the
11 department of health and family services from this appropriation, except positions
12 for the performance of duties under a contract in effect before January 1, 1987,
13 related to the administration of the ~~medical assistanee~~ Medical Assistance program

1 between the subunit of the department primarily responsible for administering the
2 ~~medical assistance~~ Medical Assistance program and another subunit of the
3 department. Total administrative funding authorized for the program under s.
4 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.435 (4) (bn) of the statutes is amended to read:

6 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
7 for funeral expenses under s. 49.785 and for payments under s. 49.33 49.78 (8)
8 relating to the administration of the ~~medical assistance~~ Medical Assistance program,
9 the ~~badger care~~ Badger Care health care program under s. 49.665, and the food
10 stamp program, and the cemetery, funeral, and burial expenses program under s.
11 49.785.

12 **SECTION 3.** 20.435 (4) (nn) of the statutes is amended to read:

13 20.435 (4) (nn) *Federal aid; income maintenance.* All moneys received from the
14 federal government for the costs of contracting for the administration of the ~~medical~~
15 ~~assistance~~ Medical Assistance program under subch. IV of ch. 49 and the ~~badger care~~
16 Badger Care health care program under s. 49.665 and the food stamp program, other
17 than moneys received under par. (pa), for payments under s. 49.33 49.78 (8).

18 **SECTION 4.** 20.445 (3) (dz) of the statutes is amended to read:

19 20.445 (3) (dz) *Wisconsin works* Works *and other public assistance*
20 *administration and benefits.* The amounts in the schedule, less the amounts
21 withheld under s. 49.143 (3), for administration and benefit payments under
22 ~~Wisconsin works~~ Works under ss. 49.141 to 49.161, the learnfare program under s.
23 49.26, the work experience and job search program under s. 49.36, and the food

1 stamp employment and training program under s. 49.13; for payments to counties,
2 tribal governing bodies, and Wisconsin ~~works~~ Works agencies; for hospital paternity
3 incentive payments under s. 69.14 (1) (cm); and for job training services under the
4 workforce attachment and advancement program under s. 49.173; ~~and for funeral~~
5 ~~expenses under s. 49.30~~. Payments may be made from this appropriation to counties
6 for fraud investigation and error reduction under s. 49.197 (1m). Moneys
7 appropriated under this paragraph may be used to match federal funds received
8 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
9 may transfer funds between fiscal years under this paragraph. Notwithstanding ss.
10 20.001 (3) and 20.002 (1), the department of health and family services shall credit
11 or deposit into this appropriation account funds for the purposes of this
12 appropriation that the department transfers from the appropriation account under
13 s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by
14 December 31 of each year lapse to the general fund on the next January 1 unless
15 transferred to the next calendar year by the joint committee on finance.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 **SECTION 5.** 20.512 (1) (i) of the statutes is amended to read:

17 20.512 (1) (i) *Services to nonstate governmental units.* The amounts in the
18 schedule for the purpose of funding personnel services to nonstate governmental
19 units under s. 230.05 (8), including services provided under ss. ~~49.33~~ 49.78 (5) and
20 59.26 (8) (a). All moneys received from the sale of these services shall be credited to
21 this appropriation account.

22 **SECTION 6.** 45.37 (15) (c) of the statutes is amended to read:

1 45.37 (15) (c) Expenses incident to the burial at the home of a member shall
2 be paid from the estate of the decedent, except that if there is no estate or the estate
3 is insufficient, the expense of burial, or necessary part thereof, shall be paid from the
4 appropriation under s. 20.485 (1) (gk) and the amount expended therefor shall not
5 exceed the amount established for funeral and burial expenses under s. ~~49.30~~ 49.785
6 (1) (b).

7 **SECTION 7.** 46.22 (1) (d) of the statutes is amended to read:

8 46.22 (1) (d) *Merit system; records.* The county department of social services
9 is subject to s. ~~49.33~~ 49.78 (4) to (7). The county department of social services and
10 all county officers and employees performing any duties in connection with the
11 administration of aid to families with dependent children shall observe all rules
12 promulgated by the department of workforce development under s. ~~49.33~~ 49.78 (4)
13 and shall keep records and furnish reports as the department of workforce
14 development requires in relation to their performance of such duties.

15 **SECTION 8.** 46.22 (2) (b) of the statutes is amended to read:

16 46.22 (2) (b) Appoint the county social services director under sub. (3) subject
17 to s. ~~49.33~~ 49.78 (4) to (7) and the rules promulgated thereunder and subject to the
18 approval of the county board of supervisors in a county with a single-county
19 department of social services or the county boards of supervisors in counties with a
20 multicounty department of social services.

21 **SECTION 9.** 46.22 (3m) (a) of the statutes is amended to read:

22 46.22 (3m) (a) In any county with a county executive or a county administrator
23 ~~which that~~ that has established a single-county department of social services, the county
24 executive or county administrator, subject to s. ~~49.33~~ 49.78 (4) to (7) and the rules
25 promulgated thereunder, shall appoint and supervise the county social services

1 director. The appointment is subject to the confirmation of the county board of
2 supervisors unless the county board of supervisors, by ordinance, elects to waive
3 confirmation or unless the appointment is made under a civil service system
4 competitive examination procedure established under s. 59.52 (8) or ch. 63.

5 **SECTION 10.** 46.27 (7) (am) of the statutes is amended to read:

6 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
7 shall allocate funds to each county or private nonprofit agency with which the
8 department contracts to pay assessment and case plan costs under sub. (6) not
9 otherwise paid by fee or under s. ~~49.33 (2)~~ or 49.45 or 49.78 (2). The department shall
10 reimburse counties for the cost of assessing persons eligible for medical assistance
11 under s. 49.46, 49.468, or 49.47 as part of the administrative services of medical
12 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
13 under this paragraph to pay the cost of long-term community support services and
14 for a risk reserve under par. (fr).

15 **SECTION 11.** 49.175 (1) (j) of the statutes is repealed.

16 **SECTION 12.** 49.19 (5) (d) of the statutes is amended to read:

17 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
18 and cemetery expenses of a dependent child or the child's parents as provided in s.
19 ~~49.30~~ 49.785.

20 **SECTION 13.** 49.30 of the statutes is renumbered 49.785, and 49.785 (2), as
21 renumbered, is amended to read:

22 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
23 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
24 applicable tribal governing body or organization for any amount that the county or
25 applicable tribal governing body or organization is required to pay under sub. (1).

1 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
2 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
3 governing body or organization for cemetery expenses or for funeral and burial
4 expenses for persons described under sub. (1) that the county or applicable tribal
5 governing body or organization is not required to pay under subs. (1) and (1m) only
6 if the department approves the reimbursement due to unusual circumstances.

7 SECTION 14. 49.32 (2) (d) of the statutes is amended to read:

8 49.32 (2) (d) The department shall disburse from state or federal funds or both
9 the entire amount and charge the county for its share under s. ~~49.33~~ 49.78 (8).

→ ***NOTE: See my questions about this paragraph in my D-note. ✓

10 SECTION 15. 49.33 of the statutes is renumbered 49.78, and 49.78 (1) (b), (2),
11 (3), (4), (7), (8) (a) and (10), as renumbered, are amended to read:

12 49.78 (1) (b) "Income maintenance program" means the ~~medical assistance~~
13 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
14 health care program under s. 49.665, ~~or the food stamp program under 7 USC 2011~~
15 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

16 (2) CONTRACTS. Annually, the department ~~of health and family services~~ shall
17 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
18 contract with tribal governing bodies, to reimburse the county departments and
19 tribal governing bodies for the reasonable cost of administering income maintenance
20 programs.

21 (3) RULES. The department of workforce development shall promulgate rules
22 establishing standards of competency, including training requirements, for income
23 maintenance workers.

1 (4) RULES; MERIT SYSTEM. The department of workforce development shall
2 promulgate rules for the efficient administration of aid to families with dependent
3 children in agreement with the requirement for federal aid, including the
4 establishment and maintenance of personnel standards on a merit basis. The
5 provisions of this section relating to personnel standards on a merit basis supersede
6 any inconsistent provisions of any law relating to county personnel. This subsection
7 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

8 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
9 the department of workforce development where requested by the county shall
10 delegate to that county, without restriction because of enumeration, any or all of the
11 department's department of workforce development's authority under sub. (4) to
12 establish and maintain personnel standards including salary levels.

13 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
14 subject to par. (b), the department ~~of health and family services~~ shall reimburse each
15 county and tribal governing body that contracts with the department under sub. (2)
16 for reasonable costs of administering the income maintenance programs. The
17 amount of each reimbursement paid under this paragraph shall be calculated using
18 a formula based on workload within the limits of available state and federal funds
19 under s. 20.435 (4) (bn) and (nn) by contract under ~~s. 49.33~~ sub. (2). The amount of
20 reimbursement calculated under this paragraph and par. (b) is in addition to any
21 reimbursement provided to a county or tribal governing body for fraud and error
22 reduction under s. 49.197 (1m) and (4).

23 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
24 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
25 certify monthly under oath to the department ~~of health and family services~~ in such

1 manner as the department of ~~health and family services~~ prescribes the claim of the
2 county for state reimbursement under sub. (8) (a). The department of ~~health and~~
3 ~~family services~~ shall review each claim of reimbursement and, if the department of
4 ~~health and family services~~ approves the claim, the department of ~~health and family~~
5 ~~services~~ shall certify to the department of administration for reimbursement to the
6 county for amounts due under sub. (8) (a) and payment claimed to be made to the
7 counties monthly. The department of ~~health and family services~~ may make advance
8 payments prior to the beginning of each month equal to one-twelfth of the contracted
9 amount.

10 (b) To facilitate prompt reimbursement the certificate of the department of
11 ~~health and family services~~ may be based on the certified statements of the county
12 officers or tribal governing body executives filed under par. (a). Funds recovered
13 from audit adjustments from a prior fiscal year may be included in subsequent
14 certifications only to pay counties owed funds as a result of any audit adjustment.
15 By September 30 annually, the department of ~~health and family services~~ shall
16 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
17 recovered and paid out during the previous calendar year as a result of audit
18 adjustments.

19 SECTION 16. 49.45 (2) (a) 3. of the statutes is amended to read:

20 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
21 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
22 policies adopted by the department and shall may, under a contract under s. 49.33
23 49.78 (2), designate delegate all, or any portion, of this function to the county
24 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

25 SECTION 17. 49.45 (3) (a) of the statutes is amended to read:

1 49.45 (3) (a) Reimbursement shall be made to each county department under
2 ss. 46.215, 46.22, and 46.23 for ~~the~~ any administrative services performed in the
3 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
4 purposes of reimbursement under this paragraph, assessments completed under s.
5 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
6 Assistance program.

7 **SECTION 18.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

8 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
9 department shall give the applicant or recipient reasonable notice and opportunity
10 for a fair hearing. The department may make such additional investigation as it
11 considers necessary. Notice of the hearing shall be given to the applicant or recipient
12 ~~and to the county clerk or, if a~~ county department under s. 46.215, 46.22, or 46.23 or
13 a Wisconsin works Works agency is responsible for making the medical assistance
14 determination, to the county clerk of the county or the Wisconsin works Works
15 agency. The county or the Wisconsin works Works agency may be represented at such
16 hearing. The department shall render its decision as soon as possible after the
17 hearing and shall send a certified copy of its decision to the applicant or recipient,
18 to the county clerk, and to the any county officer or ~~the~~ Wisconsin works Works
19 agency charged with administration of the ~~medical assistance~~ Medical Assistance
20 program. The decision of the department shall have the same effect as an order of
21 ~~the~~ a county officer or ~~the~~ Wisconsin works Works agency charged with the
22 administration of the ~~medical assistance~~ Medical Assistance program. The decision
23 shall be final, but may be revoked or modified as altered conditions may require. The
24 department shall deny a petition for a hearing or shall refuse to grant relief if:

***NOTE: Is this okay as amended? I don't know to whom DHFS wants all of the notices to be given and under what circumstances.

1 **SECTION 19.** 49.45 (5) (b) 2. (intro.) of the statutes is amended to read:

2 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
3 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
4 suspended, reduced, or discontinued until a decision is rendered after the hearing
5 but medical assistance payments made pending the hearing decision may be
6 recovered by the department if the contested decision or failure to act is upheld. The
7 ~~department shall promptly notify the county department or, if a~~ If a county
8 department or Wisconsin works Works agency is responsible for making the medical
9 assistance determination, the department shall notify the county department or the
10 Wisconsin works Works agency of the county in which the recipient resides that the
11 recipient has requested a hearing. Medical assistance coverage shall be suspended,
12 reduced, or discontinued if:

13 **SECTION 20.** 49.45 (19) (bm) of the statutes is amended to read:

14 49.45 (19) (bm) The department or the county department under s. 46.215 or
15 46.22 shall notify applicants of the requirements of this subsection at the time of
16 application.

17 **SECTION 21.** 49.45 (36) of the statutes is amended to read:

18 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
19 under s. 46.215, 46.22, or 46.23 may not place the word "homeless" on the medical
20 assistance identification card of any person who is determined to be eligible for
21 medical assistance benefits and who is homeless.

22 **SECTION 22.** 49.496 (4) of the statutes is amended to read:

1 49.496 (4) ADMINISTRATION. The department may require a county department
2 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
3 American Indian tribe administering medical assistance to gather and provide the
4 department with information needed to recover medical assistance under this
5 section. The department shall pay to a county department or tribal governing body
6 an amount equal to 5% of the recovery collected by the department relating to a
7 beneficiary for whom the county department or tribal governing body made the last
8 determination of medical assistance eligibility. A county department or tribal
9 governing body may use funds received under this subsection only to pay costs
10 incurred under this subsection and, if any amount remains, to pay for improvements
11 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
12 payments under this subsection for failure to comply with the department's
13 requirements under this subsection. The department shall treat payments made
14 under this subsection as costs of administration of the ~~medical assistance~~ Medical
15 Assistance program.

16 **SECTION 23.** 49.79 (4) of the statutes is amended to read:

17 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
18 department shall withhold the value of food stamp losses for which a county or
19 federally recognized American Indian tribe is liable under sub. (3) from the payment
20 to the county or tribe under income maintenance contracts under s. ~~49.33~~ 49.78 and
21 reimburse the federal government from the funds withheld.

22 **SECTION 24.** 59.22 (2) (c) 2. of the statutes is amended to read:

23 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
24 rules of the department of ~~health and family services~~ workforce development under
25 s. ~~49.33~~ 49.78 (4) to (7) relating to employees administering old-age assistance, aid

1 to families with dependent children, aid to the blind ~~and~~, or aid to totally and
2 permanently disabled persons or ss. 63.01 to 63.17.

3 **SECTION 25.** 230.45 (1) (e) of the statutes is amended to read:

4 230.45 (1) (e) Hear appeals, when authorized under county merit system rules
5 under s. ~~49.33~~ 49.78 (4), from any interested party.

6 **SECTION 9124. Nonstatutory provisions; health and family services.**

7 (1) **TRANSFER OF CLIENT ASSISTANCE FOR REEMPLOYMENT AND ECONOMIC SUPPORT**
8 **SYSTEM.** No later than March 1, 2004, the department of health and family services
9 and the department of workforce development shall submit a proposal to the
10 secretary of administration for supplemental expenditure and position authority
11 necessary to transfer, effective July 1, 2004, agreed upon administrative functions
12 related to the client assistance for reemployment and economic support system from
13 the department of workforce development to the department of health and family
14 services. If the secretary of administration finds that the proposal would increase
15 the costs of administering the client assistance for reemployment and economic
16 support system, the secretary shall disapprove the plan, and the department of
17 health and family services and the department of workforce development shall
18 resubmit a proposal to the secretary of administration for consideration in the
19 2005–07 biennial budget bill. If the secretary of administration finds that the
20 proposal would not increase the costs of administering the client assistance for
21 reemployment and economic support system and approves the plan, the secretary
22 shall submit the proposal to the cochairpersons of the joint committee on finance.
23 If the cochairpersons of the committee do not notify the secretary of administration
24 within 14 working days after receiving the proposal that the cochairpersons have
25 scheduled a meeting for the purpose of reviewing the proposal, the secretary of

1 administration shall approve the proposed expenditure and position authority, as
 2 authorized under current law. If, within 14 working days after receiving the proposal
 3 the cochairpersons notify the secretary of administration that the cochairpersons
 4 have scheduled a meeting for the purpose of reviewing the proposal, the secretary of
 5 administration may not approve the proposed expenditure and position authority,
 6 except as approved by the committee and as authorized under current law.

7 (END)

Erin: D-note

*This redraft only
 removes embedded NOTES
 after ss. 49.32(2)(d) and 49.45(5)(b) 1.
 (intro.)*

PJK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0190/5dn
PJK:kmg:rs

January 31, 2003

Erin:

This redraft only removes embedded NOTES after ss. 49.32 (2) (d) and 49.45 (5) (b) 1. (intro.).

Pamela J. Kahler
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Kahler, Pam

From: Miller, Anne
Sent: Monday, February 03, 2003 8:17 AM
To: Fath, Erin
Cc: Kahler, Pam; Wood, Susan; Reinardy, Susan; Bove, Fredi-Ellen; Daggett, Cynthia
Subject: LRB Draft 0190/4

Dear Erin:

Following are our Department's comments to the LRB Draft 0190/4 Funeral Expenses and Income Maintenance Programs.

✓ Drafter's Note #2 regarding s.49.32 (2) (d)

If this is not necessary to administer funeral payments, it could be dropped. If we keep it - please place the responsibility with DHFS because DWD will not be administering the payments

Draft Page 7, Section 15. New 49.78 (3) Rules

✓ Susan Wood requests this be changed to DHFS - it was not done when the other changes were made to Ch 49 two years because it was not clear how we would administer training across the two departments. This is now a DHFS responsibility and we should be directed to promulgate this rule.

✓ Draft Page 10, Section 18, 49.45 (5) (b) 1. intro - Updating hearing language W-2 agencies are not making Medicaid determinations so the references to W-2 agencies should be dropped the 4 times that they appear. Otherwise the notice distribution is fine

Draft Page 11, Section 19, 49.45 (5) (b) 2. intro

Same request as above. Please eliminate references to W-2 agencies.

Draft Page 13, Section 9124, Non-stat provisions, CARES transfer

✓ The language states, "No later than March 1, 2004, the department of health and family services and the department of workforce development shall submit a proposal to the secretary of administration for supplemental expenditure and position authority necessary to transfer, effective July 1, 2004," We intend to transfer existing position and expenditure authority. We may possibly change the funding of positions and effect PR-S appropriations, but basically we intend to submit a cost/position neutral proposal. Please change or eliminate the term "supplemental".

These are all of our comments. Thank you for allowing us to review the language. Please feel free to contact me with any questions. However, the above comments are compiled from multiple sources, and I may direct you to the source of the comment.

Thanks again for your work on this.

Anne Miller
DHFS/OSF
6-5422