

SENATE BILL

SECTION 1228

1 education or training activities without good cause, the grant amount shall be
2 reduced by \$5.15. Good cause shall be determined by the financial and employment
3 planner in accordance with rules promulgated by the department. Good cause shall
4 include required court appearances for a victim of domestic abuse. If a participant
5 in a community service job under s. 49.147 (4) is required to work fewer than 30 hours
6 per week because the participant has unsubsidized employment, ~~as defined in s.~~
7 ~~49.147 (1) (e)~~, the grant amount under this paragraph shall equal the amount
8 specified under subd. 1m. minus \$5.15 for each hour that the participant misses work
9 or education or training activities without good cause.

10 *~~1256/5.38~~* SECTION 1229. 49.148 (1m) (a) of the statutes is amended to read:

11 49.148 (1m) (a) A person who meets the eligibility requirements under s.
12 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks 6 months
13 old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may
14 receive a monthly grant of \$673 unless another adult member of the custodial
15 parent's Wisconsin works Works group is participating in, or is eligible to participate
16 in, a Wisconsin works Works employment position or is employed in unsubsidized
17 employment, ~~as defined in s. 49.147 (1) (e)~~. A Wisconsin works Works agency may
18 not require a participant under this subsection to participate in any Wisconsin Works
19 employment positions. ~~Receipt of a grant under this subsection does not constitute~~
20 ~~participation in a Wisconsin works employment position for purposes of the time~~
21 ~~limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b) or (5) (b) 2. if the child is born~~
22 ~~to the participant not more than 10 months after the date that the participant was~~
23 ~~first determined to be eligible for assistance under s. 49.19 or for a Wisconsin works~~
24 ~~employment position.~~

SENATE BILL

SECTION 1230

1 *~~1256/5.39~~* SECTION 1230. 49.148 (1m) (b) of the statutes is renumbered
2 49.148 (1m) (b) 2. and amended to read:

3 49.148 (1m) (b) 2. Receipt of a grant under this subsection constitutes
4 participation in a Wisconsin ~~works~~ Works employment position for purposes of the
5 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), ~~(3m) (e)~~, (4) (b), or (5) (b) 2. if
6 the child is born to the participant more than 10 months after the date that the
7 participant was first determined to be eligible for assistance under s. 49.19 or for a
8 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
9 result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother
10 did not indicate a freely given agreement to have sexual intercourse or of incest in
11 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
12 to a physician and to law enforcement authorities.

13 *~~1256/5.40~~* SECTION 1231. 49.148 (1m) (b) 1. of the statutes is created to read:

14 49.148 (1m) (b) 1. Receipt of a grant under this subsection does not constitute
15 participation in a Wisconsin Works employment position for purposes of the time
16 limits under s. 49.145 (2) (n) or 49.147 (3) (c), ~~(3m) (e)~~, (4) (b), or (5) (b) 2. if the child
17 is born to the participant not more than 10 months after the date that the participant
18 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
19 Works employment position.

20 *~~1256/5.41~~* SECTION 1232. 49.148 (4) (a) of the statutes is amended to read:

21 49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in
22 a transitional subsidized private sector job, community service job, or transitional
23 placement who, after August 22, 1996, was convicted in any state or federal court of
24 a felony that had as an element possession, use, or distribution of a controlled
25 substance to submit to a test for use of a controlled substance as a condition of

SENATE BILL

SECTION 1232

1 continued eligibility. If the test results are positive, the Wisconsin ~~works~~ Works
2 agency shall decrease the presanction benefit amount for ~~that a~~ a participant in a
3 community service job or a transitional placement not more than 15%, and shall
4 decrease the number of hours that a participant in a transitional subsidized private
5 sector job may work by up to 15%, for not fewer than 12 months, or for the remainder
6 of the participant's period of participation in a transitional subsidized private sector
7 job, community service job, or transitional placement, if less than 12 months. If, at
8 the end of 12 months, the individual is still a participant in a transitional subsidized
9 private sector job, community service job, or transitional placement and submits to
10 another test for use of a controlled substance and if the results of the test are
11 negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction in
12 benefits or work hours under this paragraph.

13 ***-1256/5.42* SECTION 1233.** 49.148 (4) (b) of the statutes is amended to read:

14 49.148 (4) (b) The Wisconsin ~~works~~ Works agency may require an individual
15 who tests positive for use of a controlled substance under par. (a) to participate in a
16 drug abuse evaluation, assessment, and treatment program as part of the
17 participation requirement under s. 49.147 (4) (as) or (5) (bs) or as a condition of
18 employment in the transitional subsidized private sector job.

19 ***-1256/5.43* SECTION 1234.** 49.149 (intro.) of the statutes is repealed.

20 ***-1256/5.44* SECTION 1235.** 49.149 (1) of the statutes is renumbered 49.1465
21 (2) (a).

22 ***-1256/5.45* SECTION 1236.** 49.149 (3) of the statutes is renumbered 49.1465
23 (2) (b).

24 ***-1256/5.46* SECTION 1237.** 49.149 (4) of the statutes is renumbered 49.1465
25 (2) (c).

SENATE BILL

SECTION 1238

1 ***-1256/5.47*** SECTION 1238. 49.15 (3) (a) of the statutes is amended to read:
2 49.15 (3) (a) Unsubsidized employment, ~~as defined in s. 49.147 (1) (e).~~

3 ***-1256/5.48*** SECTION 1239. 49.152 (1) of the statutes is amended to read:

4 49.152 (1) PETITION FOR REVIEW. Any individual whose application for any
5 component of Wisconsin ~~works~~ Works is not acted upon by the Wisconsin ~~works~~
6 Works agency with reasonable promptness after the filing of the application, as
7 defined by the department by rule, or is denied in whole or in part, whose benefit,
8 wage, or stipend is modified or canceled, or who believes that the benefit, wage, or
9 stipend was calculated incorrectly or that the Wisconsin Works employment position
10 in which the individual was placed or the transitional subsidized private sector job
11 that the individual was offered is inappropriate, may petition the Wisconsin ~~works~~
12 Works agency for a review of such action. Review is unavailable if the action by the
13 Wisconsin ~~works~~ Works agency occurred more than 45 days prior to submission of
14 the petition for review.

15 ***-1256/5.49*** SECTION 1240. 49.152 (3) (a) of the statutes is amended to read:

16 49.152 (3) (a) If, following review under sub. (2), the Wisconsin ~~works~~ Works
17 agency or the department determines that an individual, whose application for a
18 Wisconsin ~~works~~ Works employment position was denied based on eligibility, was in
19 fact eligible, or that the individual was placed in an inappropriate Wisconsin ~~works~~
20 Works employment position or offered an inappropriate transitional subsidized
21 private sector job, the Wisconsin ~~works~~ Works agency shall place the individual in
22 the first available Wisconsin ~~works~~ Works employment position, or offer the
23 individual the first available transitional subsidized private sector job, that is
24 appropriate for that individual, as determined by the Wisconsin ~~works~~ Works agency
25 or the department. An individual who is placed in a Wisconsin ~~works~~ employment

SENATE BILL

SECTION 1240

1 position under this paragraph is eligible for the benefit for that position under s.
2 49.148 beginning on the date on which the individual begins participation under s.
3 49.147.

4 ***-1256/5.50* SECTION 1241.** 49.152 (3) (b) of the statutes is amended to read:
5 49.152 (3) (b) If, following review under sub. (2), the Wisconsin ~~works~~ Works
6 agency or the department determines that a participant's benefit, wage, or stipend
7 was improperly modified or canceled, or was calculated incorrectly, the Wisconsin
8 ~~works~~ Works agency shall restore the benefit, wage, or stipend to the level
9 determined to be appropriate by the Wisconsin ~~works~~ Works agency or by the
10 department retroactive to the date on which the benefit, wage, or stipend was first
11 improperly modified or canceled or incorrectly calculated.

12 ***-1751/P2.1* SECTION 1242.** 49.155 (1g) (b) of the statutes is amended to read:
13 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
14 ~~\$44,955,200 in fiscal year 2001-02 and \$27,977,500~~ \$6,679,100 in each fiscal year
15 ~~2002-03 for the purposes of providing technical assistance for child care providers,~~
16 ~~for administering the child care program under this section and for grants under s.~~
17 ~~49.136 (2) for the start-up and expansion of child day care services, for child day care~~
18 ~~start-up and expansion planning, for grants under s. 49.134 (2) for child day care~~
19 ~~resource and referral services, for grants under s. 49.137 (3) to assist child care~~
20 ~~providers in meeting the quality of care standards established under sub. (1d), for~~
21 ~~a system of rates or a program of grants, as provided under sub. (1d), for~~
22 ~~reimbursement of child care providers that meet those quality of care standards, for~~
23 ~~grants under s. 49.137 (2) and (4m), for a child care scholarship and bonus program,~~
24 ~~for safe child care activities, and~~ and for administration of the department's office of child

SENATE BILL

SECTION 1242

1 care, and for contracts under s. ~~49.137 (4)~~ to improve the quality of child day care
2 services in this state.

3 ***-1751/P2.2* SECTION 1243.** 49.155 (1g) (c) of the statutes is amended to read:

4 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
5 transfer \$4,549,500 \$4,440,600 in fiscal year ~~2001-02~~ 2003-04 and \$4,733,700
6 \$4,507,900 in fiscal year ~~2002-03~~ 2004-05 to the appropriation account under s.
7 20.435 (3) (kx).

8 ***-1751/P2.3* SECTION 1244.** 49.155 (1g) (d) of the statutes is repealed.

9 ***-1256/5.51* SECTION 1245.** 49.155 (1m) (a) 3. of the statutes is amended to
10 read:

11 49.155 (1m) (a) 3. Work in a Wisconsin ~~works~~ Works employment position,
12 including participation in job search, orientation and training activities under s.
13 49.147 (2) (a) or (3m) (f) and in education or training activities under s. 49.1465 or
14 49.147 (3) (am), (3m) (g), (4) (am), or (5) (bm).

15 ***-1256/5.52* SECTION 1246.** 49.161 (4) of the statutes is created to read:

16 49.161 (4) TRANSITIONAL SUBSIDIZED PRIVATE SECTOR JOBS OVERPAYMENTS. The
17 department shall by rule specify a process for recovering an overpayment of wages
18 paid under s. 49.148 (1) (am) or an overpayment of a stipend paid under s. 49.147
19 (3m) (g), including an overpayment caused by an intentional violation of ss. 49.141
20 to 49.161 or of rules promulgated under those sections, that permits an employer to
21 recover a wage overpayment from the individual to whom the wage was paid and that
22 requires the department to recover from an employer any overpayment of a
23 reimbursement paid by the department to the employer.

24 ***-1256/5.53* SECTION 1247.** 49.1635 (1) of the statutes is amended to read:

SENATE BILL

SECTION 1247

1 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
2 from the appropriation under s. 20.445 (3) (md) the department shall may distribute
3 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
4 amount received by the foundation from private donations, but not to exceed
5 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under
6 this subsection may be used only for the provision of legal services to individuals who
7 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
8 whose incomes are at or below 200% of the poverty line.

9 *~~1752/3.9~~* SECTION 1248. 49.167 (1) (intro.) of the statutes is amended to
10 read:

11 49.167 (1) (intro.) The department shall may award grants to counties, tribal
12 governing bodies, and private entities to provide community-based alcohol and
13 other drug abuse treatment programs that are targeted at individuals who have a
14 family income of not more than 200% of the poverty line and who are eligible for
15 temporary assistance for needy families under 42 USC 601 et seq. and that do all of
16 the following:

17 *~~1752/3.10~~* SECTION 1249. 49.167 (2) (intro.) of the statutes is amended to
18 read:

19 49.167 (2) (intro.) The department shall do all of the following with respect to
20 the any grants awarded under par. (a):

21 *~~1752/3.11~~* SECTION 1250. 49.169 (2) of the statutes is amended to read:

22 49.169 (2) The department shall may award ~~not more than \$1,404,100 in~~
23 grants to qualified applicants for the provision of literacy training to individuals who
24 are eligible for temporary assistance for needy families under 42 USC 601 ~~et.~~ et seq.

25 *~~1752/3.12~~* SECTION 1251. 49.169 (4) of the statutes is amended to read:

SENATE BILL

SECTION 1251

1 49.169 (4) The department, in consultation with the technical college system
2 board, the department of public instruction, and the governor's office, shall develop
3 written criteria to be used to evaluate the any grant proposals and to allocate the any
4 grants under this section among the successful grant applicants.

5 *~~1243/1.30~~* SECTION 1252. 49.175 (1) (intro.) of the statutes is amended to
6 read:

7 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
8 the limits of the appropriations under s. 20.445 (3) (a), (cm), (~~de~~), (dz), (~~e~~), (jL), (k),
9 (~~kx~~), (L), (mc), (md), and (nL), (~~pm~~), and (~~ps~~), the department shall allocate the
10 following amounts for the following purposes:

11 *~~1752/3.13~~* SECTION 1253. 49.175 (1) (a) of the statutes is amended to read:

12 49.175 (1) (a) *Wisconsin works* Works benefits, wages, and stipends. For
13 ~~Wisconsin works~~ Works benefits provided under contracts having a term that begins
14 on January 1, ~~2000~~ 2002, and ends on December 31, ~~2001~~ 2003, \$24,654,800
15 \$35,713,700 in fiscal year ~~2001-02~~ 2003-04; and for Wisconsin works Works
16 benefits, wages, and stipends provided under contracts having a term that begins on
17 January 1, ~~2002~~ 2004, and ends on December 31, ~~2003~~ 2005, \$24,654,800
18 \$35,713,800 in fiscal year ~~2001-02~~ 2003-04 and ~~\$49,309,600~~ \$78,410,800 in fiscal
19 year ~~2002-03~~ 2004-05.

20 *~~1752/3.14~~* SECTION 1254. 49.175 (1) (b) of the statutes is amended to read:

21 49.175 (1) (b) *Wisconsin works* Works administration and ancillary services.
22 For administration of Wisconsin works ~~and program services~~ under Wisconsin works
23 Works performed under contracts under s. 49.143 having a term that begins on
24 January 1, ~~2000~~ 2002, and ends on December 31, ~~2001,~~ \$63,269,900 2003,
25 \$11,139,800 in fiscal year ~~2001-02~~ 2003-04; and for administration of Wisconsin

SENATE BILL**SECTION 1254**

1 ~~works and program services under Wisconsin works~~ Works performed under
2 contracts under s. 49.143 having a term that begins on January 1, ~~2002~~ 2004, and
3 ends on December 31, ~~2003, \$49,610,800~~ 2005, \$11,139,900 in fiscal year ~~2001–02~~
4 ~~2003–04~~ and ~~\$99,221,600~~ \$22,279,700 in fiscal year ~~2002–03~~ 2004–05.

5 ***-1752/3.15* SECTION 1255.** 49.175 (1) (c) of the statutes is amended to read:

6 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
7 to Wisconsin ~~works~~ Works agencies that have entered into contracts under s. 49.143
8 having a term that begins on January 1, ~~2000~~ 2002, and that ends on
9 December 31, ~~2001, \$12,820,800~~ 2003, \$0 in fiscal year ~~2001–02~~ 2003–04.

10 ***-1752/3.16* SECTION 1256.** 49.175 (1) (d) of the statutes is repealed.

11 ***-1752/3.17* SECTION 1257.** 49.175 (1) (e) of the statutes is repealed.

12 ***-1752/3.18* SECTION 1258.** 49.175 (1) (f) of the statutes is created to read:

13 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
14 Wisconsin Works, including transportation assistance for individuals who are
15 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
16 provided under contracts under s. 49.143 having a term that begins on January 1,
17 2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003–04; and for
18 program services under Wisconsin Works, including transportation assistance for
19 individuals who are eligible to receive temporary assistance for needy families under
20 42 USC 601 et seq., education and training, mentoring, and other services provided
21 under contracts under s. 49.143 having a term that begins on January 1, 2004, and
22 ends on December 31, 2005, \$27,803,300 in fiscal year 2003–04 and \$55,606,600 in
23 fiscal year 2004–05.

24 ***-1752/3.19* SECTION 1259.** 49.175 (1) (g) of the statutes is amended to read:

SENATE BILL

SECTION 1259

1 49.175 (1) (g) *State administration of public assistance programs.* For state
2 administration of public assistance programs, ~~\$24,680,700 in fiscal year 2001–02~~
3 ~~and \$24,693,200~~ \$18,552,100 in each fiscal year 2002–03.

4 *~~1752/3.20~~* SECTION 1260. 49.175 (1) (h) of the statutes is repealed.

5 *~~1752/3.21~~* SECTION 1261. 49.175 (1) (i) of the statutes is amended to read:

6 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
7 ~~\$3,300,000~~ \$4,500,000 in each fiscal year.

8 *~~1752/3.22~~* SECTION 1262. 49.175 (1) (j) of the statutes is repealed.

9 *~~1752/3.23~~* SECTION 1263. 49.175 (1) (n) of the statutes is amended to read:

10 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
11 ~~\$600,000~~ \$200,000 in each fiscal year.

12 *~~1256/5.54~~* SECTION 1264. 49.175 (1) (n) of the statutes, as affected by 2003
13 Wisconsin Act (this act), is amended to read:

14 49.175 (1) (n) *Job access loans.* For job access loans under s. ~~49.147 (6)~~ 49.1471,
15 \$200,000 in each fiscal year.

 ****NOTE: This is reconciled s. 49.175 (1) (n). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1256 and LRB-1752.

16 *~~1752/3.24~~* SECTION 1265. 49.175 (1) (p) of the statutes is amended to read:

17 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
18 49.155, ~~\$274,500,000~~ \$293,634,300 in fiscal year ~~2001–02~~ 2003–04 and
19 ~~\$305,550,000~~ \$291,385,000 in fiscal year ~~2002–03~~ 2004–05.

20 *~~1752/3.26~~* SECTION 1266. 49.175 (1) (q) of the statutes is amended to read:

21 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
22 s. 49.155 (1g), ~~\$24,293,900~~ \$6,859,400 in fiscal year ~~2001–02~~ 2003–04 and
23 ~~\$15,458,000~~ \$6,926,700 in fiscal year ~~2002–03~~ 2004–05.

SENATE BILL

SECTION 1267

1 *~~1752/3.27~~* SECTION 1267. 49.175 (1) (qm) of the statutes is amended to read:
2 49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through
3 grant program under s. 49.137 (4m), ~~\$25,210,800 in fiscal year 2001-02 and~~
4 ~~\$17,253,200~~ \$4,395,500 in each fiscal year ~~2002-03~~.

5 *~~1752/3.28~~* SECTION 1268. 49.175 (1) (r) of the statutes is amended to read:
6 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
7 ~~\$11,395,900 in fiscal year 2001-02 and \$2,750,000~~ \$2,500,000 in each fiscal year
8 ~~2002-03~~.

9 *~~1752/3.29~~* SECTION 1269. 49.175 (1) (u) of the statutes is amended to read:
10 49.175 (1) (u) *Workforce attachment and advancement program*. For services
11 specified under s. 49.173, ~~\$9,641,000 in fiscal year 2001-02 and \$7,842,200~~
12 \$2,000,000 in each fiscal year ~~2002-03~~.

13 *~~1752/3.30~~* SECTION 1270. 49.175 (1) (v) of the statutes is repealed.

14 *~~1752/3.31~~* SECTION 1271. 49.175 (1) (y) of the statutes is repealed.

15 *~~1752/3.32~~* SECTION 1272. 49.175 (1) (z) of the statutes is amended to read:
16 49.175 (1) (z) *Community youth grant* Grants to the Boys and Girls Clubs of
17 America. For a ~~competitive grant program administered by the department grants~~
18 to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs
19 that improve social, academic, and employment skills of youth who are eligible to
20 receive temporary assistance for needy families under 42 USC 601 et seq.,
21 ~~\$7,829,700 in fiscal year 2001-02 and \$300,000~~ in each fiscal year ~~2002-03~~.

22 *~~1752/3.33~~* SECTION 1273. 49.175 (1) (zd) of the statutes is repealed.

23 *~~1752/3.34~~* SECTION 1274. 49.175 (1) (ze) 1. of the statutes is amended to
24 read:

SENATE BILL**SECTION 1274**

1 49.175 (1) (ze) 1. ‘Kinship care and long–term kinship care assistance.’ For the
2 kinship care and long–term kinship care programs under s. 48.57 (3m), (3n), and
3 (3p), ~~\$24,852,600~~ \$24,155,700 in each fiscal year.

4 *–1752/3.35* **SECTION 1275.** 49.175 (1) (ze) 2. of the statutes is amended to
5 read:

6 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For
7 payments made under s. 49.775 for the support of the dependent children of
8 recipients of supplemental security income, ~~\$20,145,000~~ \$20,883,700 in fiscal year
9 ~~2001–02~~ 2003–04 and ~~\$19,796,000~~ \$19,969,800 in fiscal year ~~2002–03~~ 2004–05.

10 *–1752/3.36* **SECTION 1276.** 49.175 (1) (ze) 6. of the statutes is repealed.

11 *–1752/3.37* **SECTION 1277.** 49.175 (1) (ze) 7. of the statutes is repealed.

12 *–1752/3.38* **SECTION 1278.** 49.175 (1) (ze) 8. of the statutes is amended to
13 read:

14 49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse
15 services grants under s. 46.95 (2), ~~\$1,000,000~~ \$750,000 in each fiscal year.

16 *–1752/3.39* **SECTION 1279.** 49.175 (1) (ze) 9. of the statutes is repealed.

17 *–1752/3.40* **SECTION 1280.** 49.175 (1) (ze) 12. of the statutes is created to read:

18 49.175 (1) (ze) 12. ‘Milwaukee and statewide child welfare administration.’ For
19 the costs associated with the Milwaukee child welfare information system and the
20 Wisconsin statewide automated child welfare information system, \$1,695,700 in
21 fiscal year 2003–04 and \$1,741,300 in fiscal year 2004–05.

22 *–1752/3.41* **SECTION 1281.** 49.175 (1) (zf) of the statutes is repealed.

23 *–1752/3.42* **SECTION 1282.** 49.175 (1) (zg) of the statutes is repealed.

24 *–1752/3.43* **SECTION 1283.** 49.175 (1) (zh) of the statutes is amended to read:

SENATE BILL

SECTION 1283

1 49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys
2 from the appropriation account under s. 20.445 (3) (md) to the appropriation account
3 under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,244,500~~ \$57,892,000 in
4 fiscal year ~~2001–02~~ 2003–04 and ~~\$55,160,000~~ \$50,300,000 in fiscal year ~~2002–03~~
5 2004–05.

6 *~~1752/3.44~~* SECTION 1284. 49.175 (1) (zj) of the statutes is amended to read:
7 49.175 (1) (zj) *Head start* Start. For the transfer of moneys to the department
8 of public instruction for head ~~start~~ Head Start agencies, ~~\$3,712,500~~ \$3,500,000 in
9 each fiscal year.

10 *~~1752/3.45~~* SECTION 1285. 49.175 (1) (zk) of the statutes is repealed.

11 *~~1752/3.46~~* SECTION 1286. 49.179 of the statutes is repealed.

12 *~~0529/4.99~~* SECTION 1287. 49.19 (3) (b) of the statutes is amended to read:
13 49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person
14 eligible for aid under this section, that county department shall, on a form to be
15 prescribed by the department, direct the payment of such aid by order upon the ~~state~~
16 ~~treasurer~~ secretary of administration. Payment of aid shall be made monthly, based
17 on a calendar month or fiscal month as defined by the department; except that the
18 director of the county department may, in his or her discretion for the purpose of
19 protecting the public, direct that the monthly allowance be paid in accordance with
20 sub. (5) (c).

21 *~~0190/7.9~~* SECTION 1288. 49.19 (5) (d) of the statutes is amended to read:
22 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
23 and cemetery expenses of a dependent child or the child's parents as provided in s.
24 ~~49.30~~ 49.785.

25 *~~0529/4.100~~* SECTION 1289. 49.19 (14) (b) of the statutes is amended to read:

SENATE BILL

SECTION 1289

1 49.19 (14) (b) If the ~~state treasurer~~ secretary of administration is unable to
2 issue a replacement check or draft requested under par. (a) because the original has
3 been paid, the department shall promptly authorize the issuance of a replacement
4 check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount
5 of the original check or draft that amount shall be returned to the department. If the
6 ~~state treasurer~~ secretary of administration is unable to obtain recovery, the
7 department may pursue recovery.

8 *~~1256/5.55~~* SECTION 1290. 49.195 (title) of the statutes is amended to read:

9 **49.195 (title) Recovery of aid to families with dependent children and**
10 **Wisconsin works benefits Works payments.**

11 *~~1256/5.56~~* SECTION 1291. 49.195 (1) of the statutes is amended to read:

12 49.195 (1) If any parent at the time of receiving aid under s. 49.19, a stipend
13 under s. 49.147 (3m) (g), or a benefit under s. 49.148, 49.155, or 49.157, or at any time
14 thereafter, acquires property by gift, inheritance, sale of assets, court judgment, or
15 settlement of any damage claim, or by winning a lottery or prize, the county granting
16 such aid, or the Wisconsin works Works agency granting such a stipend or benefit,
17 may sue the parent on behalf of the department to recover the value of that portion
18 of the aid ~~or of the, stipend, or benefit which that~~ does not exceed the amount of the
19 property so acquired. The value of the aid, stipend, or benefit liable for recovery
20 under this section may not include the value of work performed by a member of the
21 family in a community work experience program under s. 46.215 (1) (o), 1991 stats.,
22 s. 46.22 (1) (b) 11., 1991 stats., or s. 49.50 (7j) (d), 1991 stats., or in a community work
23 experience component under s. 49.193 (6), 1997 stats. During the life of the parent,
24 the 10-year statute of limitations may be pleaded in defense against any suit for
25 recovery under this section; and if such property is his or her homestead it shall be

SENATE BILL

SECTION 1291

1 exempt from execution on the judgment of recovery until his or her death or sale of
2 the property, whichever occurs first. Notwithstanding the foregoing restrictions and
3 limitations, where if the aid, stipend, or benefit recipient is deceased, a claim may
4 be filed against any property in his or her estate and the statute of limitations
5 specified in s. 859.02 shall be exclusively applicable. The court may refuse to render
6 judgment or allow the claim in any case where a parent, spouse, or child is dependent
7 on the property for support, and the court in rendering judgment shall take into
8 account the current family budget requirement as fixed by the U.S. department of
9 labor for the community or as fixed by the authorities of the community in charge of
10 public assistance. The records of aid, stipend, or benefits paid kept by the county, by
11 the department, or by the Wisconsin works Works agency are prima facie evidence
12 of the value of the aid, stipend, or benefits furnished paid. Liability under this
13 section shall extend to any parent or stepparent whose family receives aid under s.
14 49.19, a stipend under s. 49.147 (3m) (g), or benefits under s. 49.148, 49.155, or
15 49.157 during the period that he or she is a member of the same household, but his
16 or her liability is limited to such period. This section does not apply to medical and
17 health assistance payments for which recovery is prohibited or restricted by federal
18 law or regulation.

19 *~~1256/5.57~~* SECTION 1292. 49.195 (3) of the statutes is amended to read:

20 49.195 (3) A county, tribal governing body, or Wisconsin works Works agency
21 or the department shall determine whether an overpayment has been made under
22 s. ~~49.19~~ 49.147 (3m) (g), 49.148, 49.155 or, 49.157, or 49.19 and, if so, the amount of
23 the overpayment. The county, tribal governing body, or Wisconsin works Works
24 agency or the department shall provide notice of the overpayment to the liable
25 person. The department shall give that person an opportunity for a review following

SENATE BILL**SECTION 1292**

1 the procedure specified under s. 49.152, if the person received the overpayment
2 under s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96,
3 the department shall promptly recover all overpayments made under s. ~~49.19~~ 49.147
4 (3m)(g), 49.148, 49.155 ~~or~~, 49.157, ~~or 49.19~~ that have not already been received under
5 s. 49.161 or 49.19 (17) and shall promulgate rules establishing policies and
6 procedures to administer this subsection. The rules shall include notification
7 procedures similar to those established for child support collections.

8 ***-1256/5.58* SECTION 1293.** 49.22 (6) of the statutes is amended to read:

9 49.22 (6) The department shall establish, pursuant to federal and state laws,
10 rules, and regulations, a uniform system of fees for services provided under this
11 section to individuals not receiving aid under s. 46.261, 49.19, or 49.47; stipends
12 under s. 49.147 (3m)(g); benefits or wages under s. 49.148, 49.155, or 49.79; foster
13 care maintenance payments under 42 USC 670 to 679a; or kinship care payments
14 under s. 48.57 (3m) or long-term kinship care payments under s. 48.57 (3n). The
15 system of fees may take into account an individual's ability to pay. Any fee paid and
16 collected under this subsection may be retained by the county providing the service
17 except for the fee specified in 42 USC 653 (e) (2) for federal parent locator services.

18 ***-0279/1.2* SECTION 1294.** 49.22 (7m) of the statutes is amended to read:

19 49.22 (7m) The department may contract with or employ a collection agency
20 or other person to enforce a support obligation of a parent who is delinquent in
21 making support payments and may contract with or employ an attorney to appear
22 in an action in state or federal court to enforce such an obligation. To pay for the
23 department's administrative costs of implementing this subsection, the department
24 may charge a fee to counties, ~~retain up to 50% of any incentive payment made to this~~
25 ~~state under 42 USC 658 for a collection under this subsection, and retain~~ use federal

SENATE BILL

SECTION 1294

1 matching funds or funds retained by the department under s. 49.24 (2) (c), or use up
2 to 30% of this state's share of a collection made under this subsection on behalf of a
3 recipient of aid to families with dependent children or a recipient of kinship care
4 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57
5 (3n).

6 ***-1824/6.14*** SECTION 1295. 49.22 (7m) of the statutes, as affected by 2003
7 Wisconsin Act (this act), is amended to read:

8 49.22 (7m) The department may contract with or employ a collection agency
9 or other person to enforce a support obligation of a parent who is delinquent in
10 making support payments and may ~~contract with or employ~~ retain an attorney to
11 appear in an action in state or federal court to enforce such an obligation. To pay for
12 the department's administrative costs of implementing this subsection, the
13 department may charge a fee to counties, use federal matching funds or funds
14 retained by the department under s. 49.24 (2) (c), or use up to 30% of this state's share
15 of a collection made under this subsection on behalf of a recipient of aid to families
16 with dependent children or a recipient of kinship care payments under s. 48.57 (3m)
17 or long-term kinship care payments under s. 48.57 (3n).

****NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279.
It incorporates the changes made by LRB-0279.

18 ***-0279/1.3*** SECTION 1296. 49.24 (2) (b) of the statutes is amended to read:

19 49.24 (2) (b) The Except as provided in par. (c), the total of payments made to
20 counties under sub. (1) and in federal child support incentive payments may not
21 exceed \$12,340,000 per year.

22 ***-0279/1.4*** SECTION 1297. 49.24 (2) (c) of the statutes is created to read:

SENATE BILL**SECTION 1297**

1 49.24 (2) (c) If federal child support incentive payments that are received for
2 a year exceed the maximum specified in par. (b), 50% of the amount that exceeds the
3 maximum specified in par. (b) shall be distributed to counties according to the
4 formula under par. (a), subject to the incentive payments limit specified in par. (a),
5 and the remainder shall be retained by the department to pay the costs of the
6 department's activities under ss. 49.22 and 49.227 and costs related to receiving and
7 disbursing support and support-related payments.

8 *~~0279/1.5~~* **SECTION 1298.** 49.24 (3) of the statutes is amended to read:

9 49.24 (3) A county that receives any state child support incentive payment
10 under sub. (1) or any federal child support incentive payment under sub. (2) (a) or
11 (c) may use the funds only to pay costs under its child support program under s. 49.22.

12 *~~1256/5.59~~* **SECTION 1299.** 49.26 (1) (g) (intro.) of the statutes is amended to
13 read:

14 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
15 ~~works~~ Works group that includes a participant under s. 49.147 (3), (~~3m~~), (4), or (5)
16 or who is a recipient of aid under s. 49.19 is subject to the school attendance
17 requirement under par. (ge) if all of the following apply:

18 *~~1256/5.60~~* **SECTION 1300.** 49.26 (1) (h) 1s. b. of the statutes is amended to
19 read:

20 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
21 Works group that includes a participant under s. 49.147 (3), (~~3m~~), (4), or (5) and who
22 fails to meet the school attendance requirement under par. (ge) is subject to a
23 monthly sanction.

24 *~~1256/5.61~~* **SECTION 1301.** 49.26 (1) (hm) of the statutes is amended to read:

SENATE BILL

SECTION 1301

1 49.26 (1) (hm) The department may require consent to the release of school
2 attendance records, under s. 118.125 (2) (e), as a condition of eligibility for benefits
3 participation under s. 49.147 (3) to (5) or aid under s. 49.19.

4 ***-0190/7.10*** SECTION 1302. 49.30 of the statutes is renumbered 49.785, and
5 49.785 (2), as renumbered, is amended to read:

6 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
7 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
8 applicable tribal governing body or organization for any amount that the county or
9 applicable tribal governing body or organization is required to pay under sub. (1).
10 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
11 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
12 governing body or organization for cemetery expenses or for funeral and burial
13 expenses for persons described under sub. (1) that the county or applicable tribal
14 governing body or organization is not required to pay under subs. (1) and (1m) only
15 if the department approves the reimbursement due to unusual circumstances.

16 ***-0190/7.11*** SECTION 1303. 49.32 (2) (d) of the statutes is repealed.

17 ***-1256/5.62*** SECTION 1304. 49.32 (4) of the statutes is repealed.

18 ***-1256/5.63*** SECTION 1305. 49.32 (9) (a) of the statutes is amended to read:

19 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
20 administering aid to families with dependent children shall maintain a monthly
21 report at its office showing the names of all persons receiving aid to families with
22 dependent children together with the amount paid during the preceding month.
23 Each Wisconsin ~~works~~ Works agency administering Wisconsin ~~works~~ Works under
24 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
25 of all persons receiving stipends under s. 49.147 (3m) (g) or benefits or wages under

SENATE BILL

SECTION 1305

1 s. 49.148 together with the amount paid during the preceding month. Nothing in this
2 paragraph shall be construed to authorize or require the disclosure in the report of
3 any information (~~including~~ names, amounts of aid, or ~~otherwise~~) other information,
4 pertaining to adoptions, or aid furnished for the care of children in foster homes or
5 treatment foster homes under s. 46.261 or 49.19 (10).

6 ***-1256/5.64* SECTION 1306.** 49.32 (10) (b) of the statutes is amended to read:

7 49.32 (10) (b) If a law enforcement officer believes, on reasonable grounds, that
8 a warrant has been issued and is outstanding for the arrest of a Wisconsin ~~works~~
9 Works participant, the law enforcement officer may request that a law enforcement
10 officer be notified when the participant appears to obtain his or her stipend or
11 benefits under the Wisconsin ~~works~~ Works program. At the request of a law
12 enforcement officer under this paragraph, an employee of a Wisconsin ~~works~~ Works
13 agency who disburses stipends or benefits may notify a law enforcement officer when
14 the participant appears to obtain ~~Wisconsin works~~ his or her stipend or benefits.

15 ***-1256/5.65* SECTION 1307.** 49.32 (10m) (a) of the statutes is amended to read:

16 49.32 (10m) (a) A county department, relief agency under s. 49.01 (3m), or
17 Wisconsin ~~works~~ Works agency shall, upon request, and after providing the notice
18 to the recipient required by this paragraph, release the current address of a recipient
19 of relief under s. 49.01 (3), aid to families with dependent children, a stipend under
20 s. 49.147 (3m) (g), or benefits or wages under s. 49.148 to a person, the person's
21 attorney, or an employee or agent of that attorney, if the person is a party to a legal
22 action or proceeding in which the recipient is a party or a witness, unless the person
23 is a respondent in an action commenced by the recipient under s. 813.12, 813.122,
24 813.123, 813.125, or 813.127. If the person is a respondent in an action commenced
25 by the recipient under s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county

SENATE BILL

SECTION 1307

1 department, relief agency, or Wisconsin ~~works~~ Works agency may not release the
2 current address of the recipient. No county department, relief agency, or Wisconsin
3 ~~works~~ Works agency may release an address under this paragraph until 21 days after
4 the address has been requested. A person requesting an address under this
5 paragraph shall be required to prove his or her identity and his or her participation
6 as a party in a legal action or proceeding in which the recipient is a party or a witness
7 by presenting a copy of the pleading or a copy of the subpoena for the witness. The
8 person shall also be required to sign a statement setting forth his or her name,
9 address, and the reasons for making the request and indicating that he or she
10 understands the provisions of par. (b) with respect to the use of the information
11 obtained. The statement shall be made on a form prescribed by the department and
12 shall be sworn and notarized. Within 7 days after an address has been requested
13 under this paragraph, the county department, relief agency, or Wisconsin ~~works~~
14 Works agency shall mail to each recipient whose address has been requested a
15 notification of that fact on a form prescribed by the department. The form shall also
16 include the date on which the address was requested, the name and address of the
17 person who requested the disclosure of the address, the reason that the address was
18 requested, and a statement that the address will be released to the person who
19 requested the address no sooner than 21 days after the date on which the request for
20 the address was made. County departments, relief agencies, and Wisconsin ~~works~~
21 Works agencies shall keep a record of each request for an address under this
22 paragraph.

23 *~~0190/7.12~~* SECTION 1308. 49.33 of the statutes is renumbered 49.78, and
24 49.78 (1) (b), (2), (4), (7), (8) (a) and (10), as renumbered, are amended to read:

SENATE BILL**SECTION 1308**

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

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

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

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

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

SENATE BILL

SECTION 1308

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).

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

19 (b) To facilitate prompt reimbursement the certificate of the department of ~~of~~
20 ~~health and family services~~ may be based on the certified statements of the county
21 officers or tribal governing body executives filed under par. (a). Funds recovered
22 from audit adjustments from a prior fiscal year may be included in subsequent
23 certifications only to pay counties owed funds as a result of any audit adjustment.
24 By September 30 annually, the department of ~~health and family services~~ shall
25 submit a report to the appropriate standing committees under s. 13.172 (3) on funds

SENATE BILL**SECTION 1308**

1 recovered and paid out during the previous calendar year as a result of audit
2 adjustments.

3 ***-1256/5.66* SECTION 1309.** 49.36 (2) of the statutes is amended to read:

4 49.36 (2) The department may contract with any county, tribal governing body,
5 or Wisconsin works Works agency to administer a work experience and job training
6 program for parents who are not custodial parents and who fail to pay child support
7 or to meet their children's needs for support as a result of unemployment or
8 underemployment. The program may provide the kinds of work experience and job
9 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
10 (3), (3m), or (4). The program may also include job search and job orientation
11 activities. The department shall fund the program from the appropriation under s.
12 20.445 (3) (dz).

13 ***-0190/7.13* SECTION 1310.** 49.45 (2) (a) 3. of the statutes is amended to read:

14 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
15 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
16 policies adopted by the department and ~~shall~~ may, under a contract under s. 49.33
17 49.78 (2), designate delegate all, or any portion, of this function to the county
18 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

19 ***-1760/2.7* SECTION 1311.** 49.45 (2) (a) 17. of the statutes is amended to read:

20 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
21 organization, the joint committee on finance and appropriate standing committees,
22 as determined by the presiding officer of each house, if the appropriation accounts
23 under s. 20.435 (4) (b) is , (gp), and (r) are insufficient to provide the state share of
24 medical assistance.

SENATE BILL**SECTION 1311**

****NOTE: This is reconciled s. 49.45 (2) (a) 17. This SECTION has been affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

1 ***-1486/2.3* SECTION 1312.** 49.45 (2) (a) 25. of the statutes is created to read:

2 49.45 (2) (a) 25. a. For the privilege of doing business in this state, there is
3 imposed on each health maintenance organization, as defined in s. 609.01 (2), an
4 annual assessment of 1% of the health maintenance organization's gross revenues
5 for the immediately preceding calendar year. The assessment shall be deposited into
6 the Medical Assistance trust fund. The department shall determine the amount of
7 each health maintenance organization's assessment, based on a statement that the
8 health maintenance organization shall file annually, by March 1, with the office of
9 the commissioner of insurance. Each health maintenance organization shall pay
10 one-fourth of the total assessment quarterly, by March 31, June 30, September 30,
11 and December 31 of each year.

12 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
13 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
14 subch. III of ch. 77, apply to the assessment under this section, except that the
15 amount of any assessment collected under subd. 25. a. shall be deposited into the
16 Medical Assistance trust fund.

17 c. The department shall levy, enforce, and collect the assessment under this
18 subdivision and shall develop and distribute forms necessary for levying and
19 collection.

20 d. The department shall promulgate rules that establish procedures and
21 requirements for levying the assessment under this subdivision.

SENATE BILL

SECTION 1312

1 e. An affected health maintenance organization may contest an action by the
2 department under this subdivision by submitting a written request for a hearing to
3 the department within 3 days after the date of the department's action.

4 f. Any order or determination made by the department under a hearing as
5 specified in subd. 25. e. is subject to judicial review as prescribed under ch. 227.

6 ***-0190/7.14* SECTION 1313.** 49.45 (3) (a) of the statutes is amended to read:

7 49.45 (3) (a) Reimbursement shall be made to each county department under
8 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the
9 ~~medical assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
10 purposes of reimbursement under this paragraph, assessments completed under s.
11 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
12 Assistance program.

13 ***-0094/P1.1* SECTION 1314.** 49.45 (3) (am) of the statutes is repealed.

14 ***-0190/7.15* SECTION 1315.** 49.45 (5) (b) 1. (intro.) of the statutes is amended
15 to read:

16 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
17 department shall give the applicant or recipient reasonable notice and opportunity
18 for a fair hearing. The department may make such additional investigation as it
19 considers necessary. Notice of the hearing shall be given to the applicant or recipient
20 and to the county clerk or, ~~if a Wisconsin works agency, if a county department under~~
21 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
22 determination, ~~the Wisconsin works agency~~ to the county clerk of the county. The
23 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
24 department shall render its decision as soon as possible after the hearing and shall
25 send a certified copy of its decision to the applicant or recipient, to the county clerk,

SENATE BILL

SECTION 1315

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

8 *~~0190/7.16~~* SECTION 1316. 49.45 (5) (b) 2. (intro.) of the statutes is amended
9 to read:

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

21 *~~1253/8.1~~* SECTION 1317. 49.45 (5m) (title) of the statutes is amended to read:

22 49.45 (5m) (title) SUPPLEMENTAL FUNDING FOR RURAL CRITICAL ACCESS HOSPITALS.

23 *~~1253/8.2~~* SECTION 1318. 49.45 (5m) (am) of the statutes is amended to read:

24 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations
25 appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), the department

SENATE BILL

SECTION 1318

1 shall ~~distribute not more than \$2,256,000 in each fiscal year, to provide~~
2 ~~supplemental funds to rural hospitals that, as determined by the department, have~~
3 ~~high utilization of inpatient services by patients whose care is provided from~~
4 ~~governmental sources, and to provide supplemental funds to critical access~~
5 ~~hospitals, except that the department may not distribute funds to a rural hospital~~
6 ~~or to a critical access hospital to the extent that the distribution would exceed any~~
7 ~~limitation under 42 USC 1396b (i) (3).~~

****NOTE: This is reconciled s. 49.45 (5m) (am). This SECTION has been affected by drafts with the following LRB numbers: LRB-1253/7, LRB-1755/P2, and LRB-1760/1.

8 ***-1253/8.3* SECTION 1319.** 49.45 (5m) (b) of the statutes is repealed.

9 ***-0206/1.1* SECTION 1320.** 49.45 (6b) of the statutes is amended to read:

10 49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
11 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
12 services provided by the centers for the developmentally disabled. Reimbursement
13 to the centers for the developmentally disabled shall be reduced following each
14 placement made under s. 46.275 that involves a relocation from a center for the
15 developmentally disabled, by \$200 per day, beginning in fiscal year 2001-02, and by
16 \$225 per day, beginning in fiscal year 2002-03, and by \$325 per day, beginning in
17 fiscal year 2004-05.

18 ***-0209/2.2* SECTION 1321.** 49.45 (6c) (a) 6m. of the statutes is created to read:

19 49.45 (6c) (a) 6m. “Intermediate facility” has the meaning given in s. 46.279
20 (1) (a).

21 ***-0209/2.3* SECTION 1322.** 49.45 (6c) (b) of the statutes is amended to read:

22 49.45 (6c) (b) *Preadmission screening.* Except as provided in par. (e), ~~beginning~~
23 ~~on August 9, 1989,~~ every individual who applies for admission to a facility or to an

SENATE BILL

SECTION 1322

1 institution for mental diseases shall be screened to determine if the individual has
2 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The
3 department or an entity to which the department has delegated authority shall
4 screen every individual who has been identified as having a developmental disability
5 or mental illness to determine if the individual needs facility care. If the individual
6 is determined to need facility care, the department or an entity to which the
7 department has delegated authority shall also assess the individual to determine if
8 he or she requires active treatment for developmental disability or active treatment
9 for mental illness. If the department or entity determines that the individual
10 requires active treatment for developmental disability, the department or entity
11 shall determine whether the level of care required by the individual that is provided
12 by a facility could be provided safely in an intermediate facility or under a plan that
13 is developed under s. 46.279 (4).

14 *~~0209/2.4~~* SECTION 1323. 49.45 (6c) (c) (intro.) of the statutes is amended to
15 read:

16 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the
17 department or an entity to which the department has delegated authority shall
18 review every resident of a facility or institution for mental diseases who has a
19 developmental disability or mental illness and who has experienced a significant
20 change in his or her physical or mental condition to determine if any all of the
21 following applies:

22 *~~0209/2.5~~* SECTION 1324. 49.45 (6c) (c) 1. of the statutes is amended to read:

23 49.45 (6c) (c) 1. The Whether the resident needs facility care.

24 *~~0209/2.6~~* SECTION 1325. 49.45 (6c) (c) 2. of the statutes is amended to read:

SENATE BILL

SECTION 1325

1 49.45 (6c) (c) 2. ~~The~~ Whether the resident requires active treatment for
2 developmental disability or active treatment for mental illness.

3 *~~0209/2.7~~* SECTION 1326. 49.45 (6c) (c) 3. of the statutes is created to read:

4 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the
5 resident needs facility care and under subd. 2. that the resident requires active
6 treatment for developmental disability, whether the level of care required by the
7 resident that is provided by a facility could be provided safely in an intermediate
8 facility or under a plan that is developed under s. 46.279 (4).

9 *~~0210/4.1~~* SECTION 1327. 49.45 (6m) (a) 4. of the statutes is repealed.

10 *~~1760/2.8~~* SECTION 1328. 49.45 (6m) (ag) (intro.) of the statutes is amended
11 to read:

12 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
13 subsection made under s. 20.435 (4) (b), (~~gp~~), (~~pa~~), (o), (~~r~~), (w), or (wm) shall, except
14 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
15 payment system updated annually by the department. The payment system shall
16 implement standards that are necessary and proper for providing patient care and
17 that meet quality and safety standards established under subch. II of ch. 50 and ch.
18 150. The payment system shall reflect all of the following:

 ****NOTE: This is reconciled s. 49.45 (6m) (ag) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

19 *~~0210/4.2~~* SECTION 1329. 49.45 (6m) (ag) 2. of the statutes is amended to
20 read:

21 49.45 (6m) (ag) 2. ~~Standards~~ Except as provided in subd. 3r., standards
22 established by the department that shall be based upon allowable costs incurred by

SENATE BILL

SECTION 1329

1 facilities in the state as available from information submitted under par. (c) 3. and
2 compiled by the department.

3 ~~*-0210/4.3*~~ SECTION 1330. 49.45 (6m) (ag) 3m. of the statutes is amended to
4 read:

5 49.45 (6m) (ag) 3m. For each state fiscal year ~~1999–2000~~, rates that shall be
6 set by the department based on information from cost reports for the ~~1998~~ most
7 recently completed fiscal year of the facility ~~and for state fiscal year 2000–01~~, rates
8 that shall be set by the department based on information from cost reports for the
9 ~~1999~~ fiscal year of the facility.

10 ~~*-0210/4.4*~~ SECTION 1331. 49.45 (6m) (ag) 3m. of the statutes, as affected by
11 2003 Wisconsin Act (this act), is amended to read:

12 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
13 department based on information from cost reports for costs specified under par. (am)
14 1. bm., 4., 5m., and 6. for the most recently completed fiscal year of the facility.

15 ~~*-0210/4.5*~~ SECTION 1332. 49.45 (6m) (ag) 3r. of the statutes is created to read:

16 49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for
17 costs specified under par. (am) 1. a. and 2.

18 ~~*-0210/4.6*~~ SECTION 1333. 49.45 (6m) (ag) 3r. of the statutes, as created by
19 2003 Wisconsin Act (this act), is amended to read:

20 49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department~~, for
21 all costs specified under par. (am) 1. a. and 2.

22 ~~*-0210/4.7*~~ SECTION 1334. 49.45 (6m) (am) 1. a. of the statutes is amended to
23 read:

24 49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;
25 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,

SENATE BILL**SECTION 1334**

1 recreation person, social worker, volunteer coordinator, teacher for residents aged 22
2 and older, vocational counselor for residents aged 22 and older, religious person,
3 therapy aide, therapy assistant, and counselor on resident living.

4 ***-0210/4.8*** SECTION 1335. 49.45 (6m) (am) 1. b. of the statutes is repealed.

5 ***-0210/4.9*** SECTION 1336. 49.45 (6m) (am) 1. bm. of the statutes is created to
6 read:

7 49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed
8 practical nurse and nurse's assistant.

9 ***-0210/4.10*** SECTION 1337. 49.45 (6m) (am) 1. d. of the statutes is repealed.

10 ***-0210/4.11*** SECTION 1338. 49.45 (6m) (am) 1. e. of the statutes is repealed.

11 ***-0210/4.12*** SECTION 1339. 49.45 (6m) (am) 3. (intro.) of the statutes is
12 renumbered 49.45 (6m) (am) 2. c. and amended to read:

13 49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility
14 expenses that the department determines are allowable for the provision of:
15 electrical service, water and sewer services, and heat.

16 ***-0210/4.13*** SECTION 1340. 49.45 (6m) (am) 3. a. of the statutes is repealed.

17 ***-0210/4.14*** SECTION 1341. 49.45 (6m) (am) 3. b. of the statutes is repealed.

18 ***-0210/4.15*** SECTION 1342. 49.45 (6m) (am) 3. c. of the statutes is repealed.

19 ***-0210/4.16*** SECTION 1343. 49.45 (6m) (am) 4. of the statutes is amended to
20 read:

21 49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service
22 costs ~~incurred~~ paid by the owner of the facility for the facility.

23 ***-0210/4.17*** SECTION 1344. 49.45 (6m) (am) 5. of the statutes is renumbered
24 49.45 (6m) (am) 2. d.

SENATE BILL

SECTION 1345

1 *~~1252/3.1~~* SECTION 1345. 49.45 (6m) (ar) 1. a. of the statutes is amended to
2 read:

3 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
4 allowable direct care costs, for facilities that do not primarily serve the
5 developmentally disabled, that take into account direct care costs for a sample of all
6 of those facilities in this state and separate standards for payment of allowable direct
7 care costs, for facilities that primarily serve the developmentally disabled, that take
8 into account direct care costs for a sample of all of those facilities in this state. The
9 standards shall be adjusted by the department for regional labor cost variations. ~~For~~
10 ~~facilities in Douglas, Pierce, and St. Croix counties, the department shall perform the~~
11 ~~adjustment by use of the wage index that is used by the federal department of health~~
12 ~~and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.~~

13 *~~0210/4.18~~* SECTION 1346. 49.45 (6m) (ar) 1. a. of the statutes, as affected by
14 2003 Wisconsin Act ... (this act), is amended to read:

15 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
16 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
17 serve the developmentally disabled, that take into account direct care costs for a
18 sample of all of those facilities in this state and separate standards for payment of
19 allowable direct care costs, for facilities that primarily serve the developmentally
20 disabled, that take into account direct care costs for a sample of all of those facilities
21 in this state. The standards shall be adjusted by the department for regional labor
22 cost variations.

****NOTE: This is reconciled s. 49.45 (6m) (ar) 1. a. This SECTION has been affected
by drafts with the following LRB numbers: LRB-0210/3 and LRB-1252/2.

SENATE BILL**SECTION 1347**

1 ***-0210/4.19*** **SECTION 1347.** 49.45 (6m) (ar) 2. (intro.) and 2. a. of the statutes
2 are consolidated, renumbered 49.45 (6m) (ar) 2. and amended to read:

3 49.45 **(6m)** (ar) 2. For support service costs: ~~2. a.~~ The , the department shall
4 establish one or more standards for the payment of support service costs that take
5 into account support service costs for a sample of all facilities within the state.

6 ***-0210/4.20*** **SECTION 1348.** 49.45 (6m) (ar) 2. b. of the statutes is repealed.

7 ***-0210/4.21*** **SECTION 1349.** 49.45 (6m) (ar) 2. d. of the statutes is repealed.

8 ***-0210/4.22*** **SECTION 1350.** 49.45 (6m) (ar) 3. of the statutes is repealed.

9 ***-0210/4.23*** **SECTION 1351.** 49.45 (6m) (ar) 5. of the statutes is repealed.

10 ***-0210/4.24*** **SECTION 1352.** 49.45 (6m) (av) 1. of the statutes is renumbered
11 49.45 (6m) (av) and amended to read:

12 49.45 **(6m)** (av) The department shall calculate a payment rate for a facility by
13 applying the criteria set forth under pars. (ag) 1. to 5. and 7., (am) 1. ~~to 5.~~ bm., 4., 5m.
14 and 6., and (ar) 1. ~~to 5., 4., and 6.~~ to information from cost reports submitted by the
15 facility, as affected by any adjustment for ancillary services and materials under par.
16 (b).

17 ***-0210/4.25*** **SECTION 1353.** 49.45 (6m) (av) 2. of the statutes is repealed.

18 ***-0210/4.26*** **SECTION 1354.** 49.45 (6m) (av) 3. of the statutes is repealed.

19 ***-0210/4.27*** **SECTION 1355.** 49.45 (6m) (av) 4. of the statutes is repealed.

20 ***-0210/4.28*** **SECTION 1356.** 49.45 (6m) (av) 5. of the statutes is repealed.

21 ***-0210/4.29*** **SECTION 1357.** 49.45 (6m) (av) 5m. of the statutes is repealed.

22 ***-0210/4.30*** **SECTION 1358.** 49.45 (6m) (av) 6. of the statutes is repealed.

23 ***-0210/4.31*** **SECTION 1359.** 49.45 (6m) (bc) of the statutes is repealed.

SENATE BILL

SECTION 1360

1 *~~1611/4.1~~* SECTION 1360. 49.45 (6t) of the statutes, as affected by 2001
2 Wisconsin Act 16, is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) (intro.), 1., 2. (intro.),
3 3. and 4., as renumbered, are amended to read:

4 49.45 (6t) (a) (intro.) From the appropriation under s. 20.435 (4) (o), for
5 reduction of operating deficits, as defined under criteria developed by the
6 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
7 or by a local health department, as defined in s. 250.01 (4), for services provided
8 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., ~~and Lm.~~, 9., and 15., for case
9 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
10 services for minors provided under the authorization under 42 USC 1396d (r) (5), the
11 department shall allocate moneys in each fiscal year to these county departments,
12 or local health departments as determined by the department, and shall perform all
13 of the following:

14 1. For the reduction of operating deficits incurred by the county departments
15 or local health departments, estimate the availability of federal medicaid funds that
16 may be matched to county, city, town, or village funds that are expended for costs in
17 excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6.
18 f., fm., j., k., and L., ~~and Lm.~~, 9., and 15., for case management services under s. 49.46
19 (2) (b) 12. and for mental health day treatment services for minors provided under
20 the authorization under 42 USC 1396d (r) (5).

21 2. (intro.) Based on the amount estimated to be available under ~~par. (a)~~ subd.
22 1., develop a method, which need not be promulgated as rules under ch. 227, to
23 distribute this allocation to the individual county departments under s. 46.215,
24 46.22, 46.23 or 51.42 or to local health departments that have incurred operating
25 deficits that shall include all of the following:

SENATE BILL**SECTION 1360**

1 3. Except as provided in ~~par. (d)~~ subd. 4., distribute the allocation under the
2 distribution method that is developed.

3 4. If the federal department of health and human services approves for state
4 expenditure in a fiscal year amounts under s. 20.435 (4) (o) that result in a lesser
5 allocation amount than that allocated under this subsection or disallows use of the
6 allocation of federal medicaid funds under ~~par. (e)~~ subd. 3., reduce allocations under
7 this subsection and distribute on a prorated basis, as determined by the department.

 ***NOTE: This is reconciled s. 49.45 (6t) (intro.). It was removed and its treatment
added to LRB-1611. This section is affected by LRB-0030 and LRB-1611.

 ***NOTE: This is reconciled s. 49.45 (6t). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0030/P1 and LRB-1611/3.

 ***NOTE: This is reconciled s. 49.45 (6t) (a). It was removed and its treatment
added to LRB-1611. This section is affected by LRB-0030 and LRB-1611.

8 ***-1611/4.2*** **SECTION 1361.** 49.45 (6t) (b) of the statutes is created to read:

9 49.45 (6t) (b) If 2003 Wisconsin Act (this act), section 9124 (8) (a) applies,
10 this subsection does not apply.

11 ***-0194/9.10*** **SECTION 1362.** 49.45 (6tt) of the statutes is created to read:

12 49.45 (6tt) DISTRIBUTIONS TO COUNTY DEPARTMENTS AND LOCAL HEALTH
13 DEPARTMENTS. From the appropriation under s. 20.435 (4) (w), the department may
14 in each fiscal year distribute moneys to county departments under s. 46.215, 46.22,
15 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), in amounts
16 that are equal to the moneys received by these county departments or local health
17 departments in calendar year 2002 under s. 49.45 (6t), 2001 stats.

18 ***-1252/3.2*** **SECTION 1363.** 49.45 (6u) (am) (intro.) of the statutes is amended
19 to read:

20 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), ~~in state fiscal years in~~
21 ~~which less than \$1 in federal financial participation relating to facilities is received~~

SENATE BILL

SECTION 1363

1 under ~~42 CFR 433.51~~, from the appropriations under s. 20.435 (4) (o), (w), and (wm),
2 for reduction of operating deficits, as defined under the methodology used by the
3 department in December, 2000, incurred by a facility that is established under s.
4 49.70 (1) or that is owned and operated by a city, village, or town, and as payment
5 to care management organizations, the department may not distribute to these
6 facilities and to care management organizations more than \$37,100,000 in each
7 fiscal year, as determined by the department. The total amount that a county
8 certifies under this subsection may not exceed 100% of otherwise-unreimbursed
9 care. In distributing funds under this subsection, the department shall perform all
10 of the following:

11 *~~1252/3.3~~* SECTION 1364. 49.45 (6u) (bm) of the statutes is repealed.

12 *~~1760/2.9~~* SECTION 1365. 49.45 (6v) (b) of the statutes is amended to read:

13 49.45 (6v) (b) The department shall, each year, submit to the joint committee
14 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
15 provides information on the utilization of beds by recipients of medical assistance in
16 facilities and a discussion and detailed projection of the likely balances,
17 expenditures, encumbrances and carry over of currently appropriated amounts in
18 the appropriation accounts under s. 20.435 (4) (b) and, (gp), (o), and (r).

****NOTE: This is reconciled s. 49.45 (6v) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

19 *~~1760/2.10~~* SECTION 1366. 49.45 (6x) (a) of the statutes is amended to read:

20 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations
21 appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), the department
22 shall distribute not more than \$4,748,000 in each fiscal year, to provide funds to an
23 essential access city hospital, except that the department may not allocate funds to

SENATE BILL**SECTION 1366**

1 an essential access city hospital to the extent that the allocation would exceed any
2 limitation under 42 USC 1396b (i) (3).

****NOTE: This is reconciled s. 49.45 (6x) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

3 ***-1760/2.11* SECTION 1367.** 49.45 (6y) (a) of the statutes is amended to read:

4 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations
5 appropriation accounts under s. 20.435 (4) (b), (~~gp~~), (o), (~~r~~), and (w), the department
6 shall distribute funding in each fiscal year to provide supplemental payment to
7 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
8 funded by a relief block grant, as determined by the department, for hospital services
9 that are not in excess of the hospitals' customary charges for the services, as limited
10 under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter
11 or if the allocation of funds to such hospitals would exceed any limitation under 42
12 USC 1396b (i) (3), the department may distribute funds to hospitals that have not
13 entered into a contract under s. 49.02 (2).

****NOTE: This is reconciled s. 49.45 (6y) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

14 ***-1760/2.12* SECTION 1368.** 49.45 (6y) (am) of the statutes is amended to read:

15 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations
16 appropriation accounts under s. 20.435 (4) (b), (h), (~~gp~~), (o), (~~r~~), and (w), the
17 department shall distribute funding in each fiscal year to provide supplemental
18 payments to hospitals that enter into contracts under s. 49.02 (2) with a county
19 having a population of 500,000 or more to provide health care services funded by a
20 relief block grant, as determined by the department, for hospital services that are not
21 in excess of the hospitals' customary charges for the services, as limited under 42
22 USC 1396b (i) (3).

SENATE BILL

SECTION 1368

****NOTE: This is reconciled s. 49.45 (6y) (am). This SECTION has been affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

1 ***-1760/2.13* SECTION 1369.** 49.45 (6z) (a) (intro.) of the statutes is amended
2 to read:

3 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the ~~appropriations~~
4 appropriation accounts under s. 20.435 (4) (b), (~~gp~~), (o), (~~r~~), and (w), the department
5 shall distribute funding in each fiscal year to supplement payment for services to
6 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
7 funded by a relief block grant under this chapter, if the department determines that
8 the hospitals serve a disproportionate number of low-income patients with special
9 needs. If no medical relief block grant under this chapter is awarded or if the
10 allocation of funds to such hospitals would exceed any limitation under 42 USC
11 1396b (i) (3), the department may distribute funds to hospitals that have not entered
12 into a contract under s. 49.02 (2). The department may not distribute funds under
13 this subsection to the extent that the distribution would do any of the following:

****NOTE: This is reconciled s. 49.45 (6z) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

14 ***-1486/2.4* SECTION 1370.** 49.45 (6zb) of the statutes is created to read:

15 49.45 (6zb) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.
16 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
17 funding in each fiscal year to a health maintenance organization, as defined under
18 s. 609.01 (2), to supplement payment to the health maintenance organization under
19 this section. The funding shall be to assist in meeting increasing costs, more intense
20 use of services by Medical Assistance recipients, and other reimbursement needs
21 that the department identifies.

22 ***-1613/P1.1* SECTION 1371.** 49.45 (7) (a) of the statutes is amended to read:

SENATE BILL**SECTION 1371**

1 49.45 (7) (a) A recipient who is a patient in a public medical institution or an
2 accommodated person and has a monthly income exceeding the payment rates
3 established under 42 USC 1382 (e) may retain \$45 \$30 unearned income or the
4 amount of any pension paid under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is
5 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the
6 recipient shall apply income in excess of \$45 \$30 or the amount of any pension paid
7 under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is greater, less any amount
8 deducted under rules promulgated by the department, toward the cost of care in the
9 facility.

10 *~~1760/2.14~~* **SECTION 1372.** 49.45 (8) (b) of the statutes is amended to read:

11 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), ~~(gp)~~, (o), ~~(r)~~, and (w) for
12 home health services provided by a certified home health agency or independent
13 nurse shall be made at the home health agency's or nurse's usual and customary fee
14 per patient care visit, subject to a maximum allowable fee per patient care visit that
15 is established under par. (c).

****NOTE: This is reconciled s. 49.45 (8) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

16 *~~1489/P2.2~~* **SECTION 1373.** 49.45 (18) (intro.) of the statutes is renumbered
17 49.45 (18) (ac) and amended to read:

18 49.45 (18) (ac) Except as provided in pars. ~~(a)~~ (am) to (d), and subject to par.
19 (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47 shall
20 pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for
21 purchases of services provided under s. 49.46 (2). The service provider shall collect
22 the specified or allowable copayment, coinsurance, or deductible, unless the service
23 provider determines that the cost of collecting the copayment, coinsurance, or

SENATE BILL

SECTION 1373

1 deductible exceeds the amount to be collected. The department shall reduce
2 payments to each provider by the amount of the specified or allowable copayment,
3 coinsurance, or deductible. No provider may deny care or services because the
4 recipient is unable to share costs, but an inability to share costs specified in this
5 subsection does not relieve the recipient of liability for these costs. Liability under
6 ~~this subsection is limited by the following provisions:~~

7 *~~1489/P2.3~~* SECTION 1374. 49.45 (18) (a) of the statutes is renumbered 49.45
8 (18) (am).

9 *~~1489/P2.4~~* SECTION 1375. 49.45 (18) (ag) of the statutes is created to read:
10 49.45 (18) (ag) Except as provided in pars. (am), (b), and (c), and subject to par.
11 (d), a recipient specified in par. (ac) shall pay all of the following:

12 1. A copayment of \$1 for each prescription of a drug that bears only a generic
13 name, as defined in s. 450.12 (1) (b).

14 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
15 as defined in s. 450.12 (1) (a).

16 *~~1489/P2.5~~* SECTION 1376. 49.45 (18) (d) of the statutes is amended to read:
17 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
18 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
19 is liable under this subsection for more than \$5 ~~\$12~~ per month for prescription drugs
20 received.

21 *~~0190/7.17~~* SECTION 1377. 49.45 (19) (bm) of the statutes is amended to read:
22 49.45 (19) (bm) The department or the county department under s. 46.215 or
23 46.22 shall notify applicants of the requirements of this subsection at the time of
24 application.

SENATE BILL

SECTION 1378

1 ***-1760/2.15*** SECTION 1378. 49.45 (24m) (intro.) of the statutes is amended to
2 read:

3 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
4 From the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r),
5 and (w), in order to test the feasibility of instituting a system of reimbursement for
6 providers of home health care and personal care services for medical assistance
7 recipients that is based on competitive bidding, the department shall:

 ****NOTE: This is reconciled s. 49.45 (24m) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB–1755/P2 and LRB–1760/1.

8 ***-0360/2.1*** SECTION 1379. 49.45 (25) (am) (intro.) of the statutes is amended
9 to read:

10 49.45 (25) (am) (intro.) Except as provided under pars. (be) ~~and~~, (bg), and (bj)
11 and sub. (24), case management services under s. 49.46 (2) (b) 9. and (bm) are
12 reimbursable under ~~medical assistance~~ Medical Assistance only if provided to a
13 ~~medical assistance~~ Medical Assistance beneficiary who receives case management
14 services from or through a certified case management provider in a county, city,
15 village, or town that elects, under par. (b), to make the services available and who
16 meets at least one of the following conditions:

17 ***-0360/2.2*** SECTION 1380. 49.45 (25) (bj) of the statutes is created to read:

18 49.45 (25) (bj) The department of corrections may elect to provide case
19 management services under this subsection to persons who are under the
20 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
21 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
22 the conditions specified in par. (am). The amount of the allowable charges for those
23 services under the Medical Assistance program that is not provided by the federal

SENATE BILL

SECTION 1380

1 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
2 (ho), or (hr).

3 ***-0360/2.3* SECTION 1381.** 49.45 (25) (c) of the statutes is amended to read:
4 49.45 (25) (c) Except as provided in pars. (b), (be) and, (bg), and (bj), the
5 department shall reimburse a provider of case management services under this
6 subsection only for the amount of the allowable charges for those services under the
7 ~~medical assistance~~ Medical Assistance program that is provided by the federal
8 government.

9 ***-0030/1.1* SECTION 1382.** 49.45 (30e) of the statutes is repealed.

10 ***-0209/2.8* SECTION 1383.** 49.45 (30m) of the statutes is renumbered 49.45
11 (30m) (a) (intro.) and amended to read:

12 49.45 (30m) (a) (intro.) A county shall provide the portion of the payment that
13 is not provided by the federal government for all of the following services under s.
14 51.06 (1m) (d) to individuals with developmental disability who are eligible for
15 medical assistance ~~that is not provided by the federal government.~~

16 ***-0209/2.9* SECTION 1384.** 49.45 (30m) (a) 1. of the statutes is created to read:
17 49.45 (30m) (a) 1. Services under s. 51.06 (1m) (d).

18 ***-0209/2.10* SECTION 1385.** 49.45 (30m) (a) 2. of the statutes is created to read:
19 49.45 (30m) (a) 2. Services in an intermediate care facility for the mentally
20 retarded, as defined in s. 46.278 (1m) (am), other than a state center for the
21 developmentally disabled.

22 ***-0209/2.11* SECTION 1386.** 49.45 (30m) (a) 3. of the statutes is created to read:
23 49.45 (30m) (a) 3. Services for which payment is permitted under sub. (6c) (d)
24 2. that are provided in a nursing facility, as defined in s. 46.279 (1) (c).

25 ***-0209/2.12* SECTION 1387.** 49.45 (30m) (b) of the statutes is created to read:

SENATE BILL**SECTION 1387**

1 49.45 (30m) (b) No payment under this section may be made for services
2 specified under par. (a) unless the individual who receives the services is protectively
3 placed under s. 55.06 (9) (a) or is placed under an emergency placement under s.
4 55.06 (11) (a) or a temporary placement under s. 55.06 (11) (c).

5 *~~0209/2.13~~* **SECTION 1388.** 49.45 (30m) (c) of the statutes is created to read:

6 49.45 (30m) (c) No payment under this section may be made for services
7 specified under par. (a) 2. or 3. that are provided to an individual who was placed in
8 or admitted to an intermediate facility, as defined in s. 46.279 (1) (b), or nursing
9 facility, as defined in s. 46.279 (1) (c), unless one of the following applies:

10 1. Any placement or admission that is made after March 31, 2004, complied
11 with the requirements of s. 46.279.

12 2. For an individual who was protectively placed under ch. 55 at any time, any
13 annual review that is conducted under s. 55.06 (10) (a) 1. after March 31, 2004,
14 complies with the requirements of s. 55.06 (10) (a) 2.

15 *~~0190/7.18~~* **SECTION 1389.** 49.45 (36) of the statutes is amended to read:

16 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
17 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical
18 assistance identification card of any person who is determined to be eligible for
19 medical assistance benefits and who is homeless.

20 *~~0194/9.11~~* **SECTION 1390.** 49.45 (39) (b) 1. of the statutes is amended to read:

21 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
22 cooperative educational service agency elects to provide school medical services and
23 meets all requirements under par. (c), the department shall reimburse the school
24 district or the cooperative educational service agency for 60% of the federal share of
25 allowable charges for the school medical services that it provides and, as specified

SENATE BILL**SECTION 1390**

1 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
2 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
3 and Hard of Hearing elects to provide school medical services and meets all
4 requirements under par. (c), the department shall reimburse the department of
5 public instruction for 60% of the federal share of allowable charges for the school
6 medical services that the Wisconsin Center for the Blind and Visually Impaired or
7 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
8 provides and, as specified in subd. 2., for allowable administrative costs. A school
9 district, cooperative educational service agency, the Wisconsin Center for the Blind
10 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
11 and Hard of Hearing may submit, and the department shall allow, claims for common
12 carrier transportation costs as a school medical service unless the department
13 receives notice from the federal health care financing administration that, under a
14 change in federal policy, the claims are not allowed. If the department receives the
15 notice, a school district, cooperative educational service agency, the Wisconsin
16 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
17 Program for the Deaf and Hard of Hearing may submit, and the department shall
18 allow, unreimbursed claims for common carrier transportation costs incurred before
19 the date of the change in federal policy. The department shall promulgate rules
20 establishing a methodology for making reimbursements under this paragraph. All
21 Except as provided in subd. 1m., all other expenses for the school medical services
22 provided by a school district or a cooperative educational service agency shall be paid
23 for by the school district or the cooperative educational service agency with funds
24 received from state or local taxes. The school district, the Wisconsin Center for the
25 Blind and Visually Impaired, the Wisconsin Educational Services Program for the

SENATE BILL**SECTION 1390**

1 Deaf and Hard of Hearing, or the cooperative educational service agency shall
2 comply with all requirements of the federal department of health and human
3 services for receiving federal financial participation.

4 ***-0194/9.12* SECTION 1391.** 49.45 (39) (b) 1m. of the statutes is created to read:

5 49.45 (39) (b) 1m. ‘Supplementary payment for school medical services.’ In
6 addition to the reimbursement the department provides under subd. 1. to a school
7 district or cooperative educational service agency for school medical services, the
8 department may make supplementary payments from the appropriation accounts
9 under s. 20.435 (4) (b) and (o). The total of the supplementary payments and
10 allowable charges paid under subd. 1. may not exceed applicable limitations on
11 payments under 42 USC 1396a (a) (30) (A).

12 ***-0194/9.13* SECTION 1392.** 49.45 (39) (b) 2. of the statutes is amended to read:

13 49.45 (39) (b) 2. ‘Payment for school medical services administrative costs.’ The
14 department shall reimburse a school district or a cooperative educational service
15 agency specified under ~~subd. 1.~~ subds. 1. and 1m. and shall reimburse the
16 department of public instruction on behalf of the Wisconsin Center for the Blind and
17 Visually Impaired or the Wisconsin Educational Services Program for the Deaf and
18 Hard of Hearing for 90% of the federal share of allowable administrative costs, using
19 time studies, beginning in fiscal year 1999–2000. A school district or a cooperative
20 educational service agency may submit, and the department of health and family
21 services shall allow, claims for administrative costs incurred during the period that
22 is up to 24 months before the date of the claim, if allowable under federal law.

23 ***-1762/P2.1* SECTION 1393.** 49.45 (49m) of the statutes is created to read:

24 49.45 (49m) PRESCRIPTION DRUG COST CONTROLS; PURCHASING AGREEMENTS. (a)

25 In this section:

SENATE BILL**SECTION 1393**

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

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

3 3. “Prescription drug” has the meaning given in s. 450.01 (20).

4 (b) The department may enter into a multi-state purchasing agreement with
5 another state or a purchasing agreement with a purchaser of prescription drugs if
6 the other state or purchaser agrees to participate in one or more of the activities
7 specified in par. (c) 1. to 5.

8 (c) The department may design and implement a program to reduce the cost
9 of prescription drugs and to maintain high quality in prescription drug therapies,
10 which shall include all of the following:

11 1. A list of the prescription drugs that are included as a benefit under s. 49.46
12 (2) (b) 6. h. that identifies preferred choices within therapeutic classes and includes
13 prescription drugs that bear only generic names.

14 2. Establishing supplemental rebates under agreements with prescription
15 drug manufacturers for prescription drugs provided to recipients under Medical
16 Assistance and Badger Care and to eligible persons under s. 49.688 and, if it is
17 possible to implement the program without adversely affecting supplemental
18 rebates for Medical Assistance, Badger Care, and prescription drug assistance under
19 s. 49.688, to beneficiaries of participants under par. (b).

20 3. Utilization management and fraud and abuse controls.

21 4. Any other activity to reduce the cost of or expenditures for prescription drugs
22 and maintain high quality in prescription drug therapies.

23 (d) The department may enter into a contract with an entity to perform any of
24 the duties and exercise any of the powers of the department under this subsection.

25 ***-0781/P3.1*** **SECTION 1394.** 49.453 (1) (ak) of the statutes is created to read:

SENATE BILL

SECTION 1394

1 49.453 (1) (ak) “Consumer price index” has the meaning given in s. 49.455 (1)
2 (b).

3 *~~0781/P3.2~~* SECTION 1395. 49.453 (5) of the statutes is amended to read:

4 49.453 (5) CARE OR PERSONAL SERVICES. For the purposes of sub. (2), whenever
5 a covered individual or his or her spouse, or another person acting on behalf of the
6 covered individual or his or her spouse, transfers assets to a relative as payment for
7 care or personal services that the relative provides to the covered individual, the
8 covered individual or his or her spouse transfers assets for less than fair market
9 value unless the care or services directly benefit the covered individual, the amount
10 of the payment does not exceed reasonable compensation for the care or services that
11 the relative performs and, if the amount of the payment in any year exceeds 10% of
12 the community spouse resource allowance limit specified in s. 49.455 (6) (b) 1.
13 \$12,000 increased by the same percentage increase as the percentage increase in the
14 consumer price index between September 1988 and September of the year before the
15 calendar year in which the care or services for which the payment was made were
16 performed, the agreement to pay the relative is specified in a notarized written
17 agreement that exists at the time that the relative performs the care or services.

18 *~~0781/P3.3~~* SECTION 1396. 49.455 (5) (b) of the statutes is amended to read:

19 49.455 (5) (b) Notwithstanding ch. 766, in determining the resources of an
20 institutionalized spouse at the time of application for medical assistance, the amount
21 of resources considered to be available to the institutionalized spouse equals the
22 value of all of the resources held by either or both spouses minus the greatest of the
23 amounts determined under sub. (6) (b) 1. 1m. to 4.

24 *~~0781/P3.4~~* SECTION 1397. 49.455 (6) (a) of the statutes is amended to read:

SENATE BILL

SECTION 1397

1 49.455 (6) (a) Notwithstanding s. 49.453 (2), an institutionalized spouse may
2 transfer an amount of resources equal to not exceeding the community spouse
3 resource allowance determined under par. (b) to, or for the sole benefit of, the
4 community spouse without becoming ineligible for medical assistance for the period
5 of ineligibility under s. 49.453 (3) as a result of the transfer. The institutionalized
6 spouse shall make the transfer as soon as practicable after the initial determination
7 of eligibility for medical assistance, taking into account the amount of time that is
8 necessary to obtain a court order under par. (c).

9 ***-0781/P3.5*** SECTION 1398. 49.455 (6) (b) (intro.) of the statutes is amended
10 to read:

11 49.455 (6) (b) (intro.) The community spouse resource allowance equals the
12 amount by which ~~the amount of resources otherwise available to the community~~
13 ~~spouse is exceeded by~~ the greatest of the following:

14 ***-0781/P3.6*** SECTION 1399. 49.455 (6) (b) 1. of the statutes is repealed.

15 ***-0781/P3.7*** SECTION 1400. 49.455 (6) (b) 2. of the statutes is repealed.

16 ***-0209/2.14*** SECTION 1401. 49.46 (2) (a) 4. c. of the statutes is amended to
17 read:

18 49.46 (2) (a) 4. c. Skilled nursing home services other than in an institution for
19 mental diseases, except as limited under s. 49.45 (6c) and (30m) (b) and (c).

20 ***-0209/2.15*** SECTION 1402. 49.46 (2) (b) 6. a. of the statutes is amended to
21 read:

22 49.46 (2) (b) 6. a. Intermediate care facility services other than in an institution
23 for mental diseases, except as limited under s. 49.45 (30m) (b) and (c).

24 ***-0030/1.2*** SECTION 1403. 49.46 (2) (b) 6. Lm. of the statutes is repealed.

25 ***-1760/2.16*** SECTION 1404. 49.472 (6) (a) of the statutes is amended to read:

SENATE BILL**SECTION 1404**

1 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
2 under s. 20.435 (4) (b), (gp), (r), or (w), the department shall, on the part of an
3 individual who is eligible for medical assistance under sub. (3), pay premiums for or
4 purchase individual coverage offered by the individual's employer if the department
5 determines that paying the premiums for or purchasing the coverage will not be more
6 costly than providing medical assistance.

 ***NOTE: This is reconciled s. 49.472 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

7 ***-1760/2.17*** SECTION 1405. 49.472 (6) (b) of the statutes is amended to read:
8 49.472 (6) (b) If federal financial participation is available, from the
9 appropriation account under s. 20.435 (4) (b), (gp), (r), or (w), the department may
10 pay medicare Part A and Part B premiums for individuals who are eligible for
11 medicare and for medical assistance under sub. (3).

 ***NOTE: This is reconciled s. 49.472 (6) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

12 ***-0033/P2.1*** SECTION 1406. 49.473 (title) of the statutes is amended to read:
13 **49.473 (title) Medical assistance; women diagnosed with breast or**
14 **cervical cancer or precancerous conditions.**

15 ***-0033/P2.2*** SECTION 1407. 49.473 (2) (c) of the statutes is amended to read:
16 49.473 (2) (c) The woman is not eligible for health care coverage that qualifies
17 as creditable coverage in 42 USC 300gg (c), excluding the coverage specified in 42
18 USC 300gg (c) (1) (F).

19 ***-0033/P2.3*** SECTION 1408. 49.473 (2) (e) of the statutes is amended to read:
20 49.473 (2) (e) The woman requires treatment for breast or cervical cancer or
21 for a precancerous condition of the breast or cervix.

22 ***-1760/2.18*** SECTION 1409. 49.473 (5) of the statutes is amended to read: