



1 to counties that are participating in those activities for community social, mental
2 health, developmental disabilities, and alcohol and other drug abuse services under
3 s. 46.40. The department may distribute any moneys received under 42 USC 1396
4 to 1396v as a result of the augmentation activities specified in sub. (1) and credited
5 to the appropriation account under s. 20.435 (8) (mb) that are not distributed under
6 this subsection to counties that are participating in those activities as provided in
7 sub. (2).

8 *b0098/4.3* SECTION 1156d. 46.46 (1m) of the statutes is amended to read:

9 46.46 (1m) In addition to expending moneys from the appropriation account
10 under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1), the
11 department may expend moneys received under 42 USC 1396 to 1396v in
12 reimbursement of the cost of providing targeted case management services to
13 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and
14 credited to the appropriation account under s. 20.435 (8) (mb) to support the counties'
15 share of implementing the statewide automated child welfare information system
16 under s. 46.22 (1) (c) 8. f. and to provide services to children and families under s.
17 48.48 (17).

18 *-0195/2.4* SECTION 1157. 46.46 (2) of the statutes is amended to read:

19 46.46 (2) If the department proposes to use any moneys from the appropriation
20 account under s. 20.435 (8) (mb) for any purpose other than the ~~purpose~~ purposes
21 ~~specified in sub.~~ subs. (1), (1g), and (1m), the department shall submit a plan for the
22 proposed use of those moneys to the secretary of administration by September 1 of
23 the fiscal year after the fiscal year in which those moneys were received. If the
24 secretary of administration approves the plan, he or she shall submit the plan to the
25 joint committee on finance by October 1 of the fiscal year after the fiscal year in which

1 those moneys were received. If the cochairpersons of the committee do not notify the
2 secretary of administration within 14 working days after the date of submittal of the
3 plan that the committee has scheduled a meeting for the purpose of reviewing the
4 plan, the department may implement the plan. If within 14 working days after the
5 date of the submittal by the secretary of administration the cochairpersons of the
6 committee notify him or her that the committee has scheduled a meeting for the
7 purpose of reviewing the plan, the department may implement the plan only with the
8 approval of the committee.

9 *b0098/4.4* SECTION 1157b. 46.46 (2) of the statutes, as affected by 2003
10 Wisconsin Act (this act), is repealed.

11 *-1559/2.2* SECTION 1158. 46.48 (6) (title) of the statutes is repealed.

12 *-1559/2.3* SECTION 1159. 46.48 (6) of the statutes is renumbered 16.964 (9)

13 (a) and amended to read:

14 16.964 (9) (a) ~~The department shall distribute~~ A grant in the amount of \$80,000
15 in each fiscal year to the ~~career youth development center~~ Career Youth
16 Development Center in the city of Milwaukee for the operation of a minority youth
17 substance abuse treatment program.

18 *b0284/2.8* SECTION 1159c. 46.48 (7) of the statutes is repealed.

19 *-1560/3.1* SECTION 1160. 46.481 (2) (title) of the statutes is repealed.

20 *-1560/3.2* SECTION 1161. 46.481 (2) of the statutes is renumbered 16.964 (9)

21 (b) and amended to read:

22 16.964 (9) (b) ~~The department shall award~~ A grant in the amount of \$5,000 in
23 each fiscal year as a grant to the Milwaukee police athletic league Police Athletic
24 League to purchase sports and recreational equipment for a gymnasium facility
25 located at 2449 N. 36th Street in the city of Milwaukee and for a gymnasium facility

1 located at 2544 N. 30th Street in the city of Milwaukee, and to contribute to the
2 operating expenses of those gymnasium facilities.

3 ***-1561/3.1* SECTION 1162.** 46.481 (4) (title) of the statutes is repealed.

4 ***-1561/3.2* SECTION 1163.** 46.481 (4) of the statutes is renumbered 16.964 (9)
5 (c) and amended to read:

6 16.964 (9) (c) ~~The department shall distribute~~ A grant in the amount of \$50,000
7 in each fiscal year as ~~grants to court-appointed special advocate programs that are~~
8 recognized by a chief judge of a judicial administrative district under s. 48.07 (5) to
9 perform advocacy services in proceedings under s. 48.13.

10 ***-1562/3.1* SECTION 1164.** 46.481 (6) (title) of the statutes is repealed.

11 ***-1562/3.2* SECTION 1165.** 46.481 (6) of the statutes is renumbered 16.964 (9)
12 (d) and amended to read:

13 16.964 (9) (d) ~~The department shall distribute~~ A grant in the amount of \$50,000
14 in each fiscal year to the ~~children's safe house child care program~~ Children's Safe
15 House Child Care Program in Kenosha County for the operation of that program.

16 ***-1760/2.6* SECTION 1166.** 46.485 (2g) (intro.) of the statutes is amended to
17 read:

18 46.485 (2g) (intro.) From the appropriation accounts under s. 20.435 (4) (b) and
19 (gp), the department may in each fiscal year transfer funds to the appropriation
20 under s. 20.435 (7) (kb) for distribution under this section and from the appropriation
21 under s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in
22 each fiscal year to applying counties in this state that meet all of the following
23 requirements, as determined by the department:

24 ***-0200/1.1* SECTION 1167m.** 46.485 (2g) (b) (intro.) of the statutes is created
25 to read:

1 46.485 (2g) (b) (intro.) Any of the following applies to the county:

2 *-0200/1.2* SECTION 1168m. 46.485 (2g) (b) of the statutes is renumbered
3 46.485 (2g) (b) 1.

4 *-0200/1.3* SECTION 1169. 46.485 (2g) (b) 2. of the statutes is created to read:
5 46.485 (2g) (b) 2. The county provides service coordination, as defined in s.
6 46.56 (1) (L), on behalf of a child with a serious emotional disturbance and the child's
7 family in the county.

8 *-0200/1.4* SECTION 1170. 46.485 (3g) of the statutes is amended to read:
9 46.485 (3g) The amount that the department may transfer under sub. (2g) for
10 ~~a county~~ counties may not exceed the estimated state share of payments under s.
11 49.45, 49.46 or 49.47 for mental health care and treatment that is provided in
12 inpatient facilities for children with ~~a severe emotional disturbance who reside in the~~
13 county severe emotional disturbances.

14 *-0200/1.5* SECTION 1171. 46.485 (3r) of the statutes is amended to read:
15 46.485 (3r) Funds ~~that a county does not encumber~~ from the appropriation
16 under s. 20.435 (7) (kb) that the department does not distribute to a county before
17 24 months after June 30 of the fiscal year in which the department allocated the
18 funds were distributed to the county under sub. (2g) lapse to the appropriation under
19 s. 20.435 (4) (b). A county may at any time expend funds that the department
20 distributes to the county, consistent with the requirements under sub. (3m).

21 *-1507/1.1* SECTION 1172. 46.85 (1) of the statutes is amended to read:
22 46.85 (1) The department may establish and operate a ~~senior companion~~
23 ~~program~~ Senior Companion Program modeled after the federal ~~senior companion~~
24 ~~program~~ Senior Companion Program under 42 USC 5011 (b), in effect on April 30,
25 1980. If operated, the program shall engage the services of low-income persons aged

1 60 or over to provide supportive person-to-person assistance in health, education,
2 recreation, welfare and related fields to persons aged 60 or over with special needs
3 who reside in their own homes, and it may engage other persons aged 60 or older,
4 regardless of income, as volunteers in similar activities. The department may also
5 establish and operate a ~~retired senior volunteers program~~ Retired Senior Volunteer
6 Program modeled after the federal ~~retired senior volunteers program~~ Retired Senior
7 Volunteer Program under 42 USC 5001, in effect on April 30, 1980, to provide
8 voluntary services in a community. If operated, the program shall engage persons
9 aged ~~60~~ 55 or ~~over~~ older as volunteers.

10 *~~1507/1.2~~* **SECTION 1173.** 46.85 (3) of the statutes is repealed.

11 *~~1507/1.3~~* **SECTION 1174.** 46.85 (3m) (a) of the statutes is amended to read:

12 46.85 (3m) (a) From the appropriation under s. 20.435 (7) (dh), the department
13 shall provide a state supplement to federally funded ~~senior companion and retired~~
14 ~~senior volunteer program~~ Senior Companion Program and Retired Senior Volunteer
15 Program units that were in operation on December 1, 1988, and administered by
16 qualified public and non-profit private agencies.

17 *~~1295/2.15~~* **SECTION 1176.** 46.90 (4) (b) 2. a. of the statutes is repealed.

18 *~~1295/2.16~~* **SECTION 1177.** 46.90 (4) (b) 2. b. of the statutes is amended to
19 read:

20 46.90 (4) (b) 2. b. Any employee of ~~an employer not described in subd. 2. a.~~ who
21 is discharged or otherwise discriminated against may file a complaint with the
22 department of workforce development under s. 106.54 (5).

23 *~~1295/2.17~~* **SECTION 1178.** 46.90 (4) (b) 2. c. of the statutes is amended to
24 read:

1 46.90 (4) (b) 2. c. Any person not described in ~~this~~ subd. 2. a. ~~or~~ b. who is
2 retaliated or discriminated against in violation of subd. 1. may commence an action
3 in circuit court for damages incurred as a result of the violation.

4 *~~-1607/P3.6~~* SECTION 1179. 46.93 of the statutes is repealed.

5 *~~-0529/4.96~~* SECTION 1180. 46.973 (3) of the statutes is amended to read:

6 46.973 (3) The department may accept, receive, administer, and expend any
7 money, material, or other gifts or grants of any description for purposes related to
8 those set forth in this section. Moneys and grants received under this section shall
9 be deposited with the ~~state treasurer~~ secretary of administration and shall be
10 credited to the department under s. 20.435 (2) (i) and expended by the department
11 or the state council on alcohol and other drug abuse for the purposes specified.

12 *~~-1607/P3.7~~* SECTION 1183. 46.997 (2) (b) of the statutes is amended to read:

13 46.997 (2) (b) The department of health and family services shall award the
14 grants under par. (a) on a competitive basis and according to request-for-proposal
15 procedures that the department of health and family services shall prescribe in
16 consultation with the department of workforce development, ~~the adolescent~~
17 ~~pregnancy prevention and pregnancy services board~~, local health departments, as
18 defined in s. 250.01 (4), and other providers of services to eligible persons. Those
19 request-for-proposal procedures shall include a requirement that a private agency
20 that applies for a grant under par. (a) include in its grant application proof that the
21 private agency has the cultural competency to provide services under the grant to
22 persons and families in the various cultures in the private agency's target population
23 and that cultural competency is incorporated in the private agency's policies,
24 administration, and practices. In awarding the grants under par. (a), the
25 department of health and family services shall consider the need for those grants to

1 be distributed both on a statewide basis and in the areas of the state with the greatest
2 need for 2nd-chance homes and the need to provide placements for children who are
3 voluntarily placed in a 2nd-chance home as well as for children who are placed in
4 a 2nd-chance home by court order.

5 ***-1759/2.9* SECTION 1184.** 47.02 (6) (a) of the statutes is amended to read:

6 47.02 (6) (a) From the appropriation under s. 20.445 (5) ~~(bm)~~ (a), provide
7 financial aid to any person with a disability who is receiving vocational
8 rehabilitation training and who has no other source of aid.

9 ***-1759/2.10* SECTION 1185.** 47.03 (4) (b) of the statutes is amended to read:

10 47.03 (4) (b) The department may charge a portion of the expenses of its
11 supervised business enterprise program to the net proceeds of each business
12 operating under the program. The department shall establish the procedure for
13 setting these charges by rule, with the participation of a committee of blind vendors
14 established under 20 USC 107b-1. The department shall deposit the moneys from
15 the charges made under this paragraph in the ~~appropriations~~ appropriation
16 accounts under ~~ss. 20.435 (7) (kd) and s. 20.445 (5) (h) and (he).~~

17 ***-1759/2.11* SECTION 1186.** 47.03 (7) of the statutes is amended to read:

18 47.03 (7) If the department decides that a business under sub. (4) would not
19 be feasible and profitable in any state building, the department may contract with
20 vending machine operators to install vending machines in the building, giving
21 preference to blind operators of vending machines. The department may, under the
22 procedures established as required under sub. (4) (b), charge the net proceeds of each
23 business operating under this subsection. The department shall deposit the moneys
24 from the charges made under this subsection in the ~~appropriations~~ appropriation

1 account under s. 20.445 (5) (h) ~~and (hd)~~ and shall disburse the proceeds to provide
2 services to blind persons under sub. (4) in accordance with 20 USC 107 to 107f.

3 *~~1759/2.12~~* SECTION 1187. 47.03 (11) (e) of the statutes is amended to read:

4 47.03 (11) (e) The department shall distribute at least \$218,600 from the
5 appropriations in s. 20.445 (5) ~~(bm)~~ (a) and ~~(na)~~ (n) in each fiscal year for homecraft
6 services relating to the marketing and distribution of homecraft products for each
7 client who participates in the homecraft program.

8 *~~0529/4.97~~* SECTION 1188. 48.275 (2) (d) of the statutes is amended to read:

9 48.275 (2) (d) 1. In a county having a population of less than 500,000,
10 reimbursement payments shall be made to the clerk of courts of the county where the
11 proceedings took place. Each payment shall be transmitted to the county treasurer,
12 who shall deposit 25% of the amount paid for state–provided counsel in the county
13 treasury and transmit the remainder to the ~~state–treasurer~~ secretary of
14 administration. Payments transmitted to the ~~state–treasurer~~ secretary of
15 administration shall be deposited in the general fund and credited to the
16 appropriation account under s. 20.550 (1) (L). The county treasurer shall deposit
17 100% of the amount paid for county–provided counsel in the county treasury.

18 2. In a county having a population of 500,000 or more, reimbursement
19 payments shall be made to the clerk of courts of the county where the proceedings
20 took place. Each payment shall be transmitted to the ~~state–treasurer~~ secretary of
21 administration, who shall deposit the amount paid in the general fund and credit
22 25% of the amount paid to the appropriation account under s. 20.435 (3) (gx) and the
23 remainder to the appropriation account under s. 20.550 (1) (L).

24 *~~0529/4.98~~* SECTION 1189. 48.715 (3) (a) 3. of the statutes is amended to read:

1 48.715 (3) (a) 3. A person against whom the department has assessed a
2 forfeiture shall pay that forfeiture to the department within 10 days after receipt of
3 notice of the assessment or, if that person contests that assessment under s. 48.72,
4 within 10 days after receipt of the final decision after exhaustion of administrative
5 review or, if that person petitions for judicial review under ch. 227, within 10 days
6 after receipt of the final decision after exhaustion of judicial review. The department
7 shall remit all forfeitures paid under this subdivision to the ~~state treasurer~~ secretary
8 of administration for deposit in the school fund.

9 ***b0244/1.2* SECTION 1189g.** 48.981 (1) (b) of the statutes is amended to read:

10 48.981 (1) (b) “Community placement” means probation; extended supervision;
11 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
12 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
13 caring institution or a Type 2 secured correctional facility authorized under s.
14 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
15 or 980.08; participation in the community residential confinement program under
16 s. 301.046, the halfway house program under s. 301.0465, the intensive sanctions
17 program under s. 301.048, the corrective sanctions program under s. 938.533, the
18 intensive supervision program under s. 938.534 or the serious juvenile offender
19 program under s. 938.538; or any other placement of an adult or juvenile offender in
20 the community under the custody or supervision of the department of corrections, the
21 department of health and family services, a county department under s. 46.215,
22 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
23 of corrections, the department of health and family services or a county department
24 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
25 the offender.

1 ***b0244/1.2* SECTION 1189r.** 48.981 (1) (b) of the statutes, as affected by 2003
2 Wisconsin Act (this act), is amended to read:

3 48.981 (1) (b) “Community placement” means probation; extended supervision;
4 parole; aftercare; conditional transfer into the community under s. 51.35 (1);
5 conditional transfer or discharge under s. 51.37 (9); placement in a Type 2 child
6 caring institution or a Type 2 secured correctional facility authorized under s.
7 938.539 (5); conditional release under s. 971.17; supervised release under s. 980.06
8 or 980.08; participation in the community residential confinement program under
9 s. 301.046, ~~the halfway house program under s. 301.0465~~, the intensive sanctions
10 program under s. 301.048, the corrective sanctions program under s. 938.533, the
11 intensive supervision program under s. 938.534 or the serious juvenile offender
12 program under s. 938.538; or any other placement of an adult or juvenile offender in
13 the community under the custody or supervision of the department of corrections, the
14 department of health and family services, a county department under s. 46.215,
15 46.22, 46.23, 51.42 or 51.437 or any other person under contract with the department
16 of corrections, the department of health and family services or a county department
17 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 to exercise custody or supervision over
18 the offender.

19 ***-0117/2.3* SECTION 1190.** 48.985 (2) of the statutes is amended to read:

20 48.985 (2) COMMUNITY SOCIAL AND MENTAL HYGIENE SERVICES. From the
21 appropriation under s. 20.435 (7) (o), the department shall distribute not more than
22 ~~\$3,964,400~~ \$3,809,600 in each fiscal year of the moneys received under 42 USC 620
23 to 626 to county departments under ss. 46.215, 46.22, and 46.23 for the provision or
24 purchase of child welfare projects and services, for services to children and families,

1 for services to the expectant mothers of unborn children, and for family-based child
2 welfare services.

3 ***-1243/1.28* SECTION 1194.** 49.138 (1m) (intro.) of the statutes is amended to
4 read:

5 49.138 (1m) (intro.) The department shall implement a program of emergency
6 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
7 impending homelessness, or energy crisis. The department shall establish the
8 maximum amount of aid to be granted, except for cases of energy crisis, per family
9 member based on the funding available under s. 20.445 (3) ~~(de)~~ (dz) and (md). The
10 department need not establish the maximum amount by rule under ch. 227. The
11 department shall publish the maximum amount and annual changes to it in the
12 Wisconsin administrative register. Emergency assistance provided to needy persons
13 under this section in cases of fire, flood, natural disaster, or energy crisis may only
14 be provided to a needy person once in a 12-month period. Emergency assistance
15 provided to needy persons under this section in cases of homelessness or impending
16 homelessness may be used only to obtain or retain a permanent living
17 accommodation and, except as provided in sub. (2), may only be provided to a needy
18 person once in a 36-month period. For the purposes of this section, a family is
19 considered to be homeless, or to be facing impending homelessness, if any of the
20 following applies:

21 ***b0258/1.4* SECTION 1223m.** 49.147 (1m) of the statutes is renumbered 49.147
22 (1m) (b) and amended to read:

23 49.147 (1m) (b) ~~Upon determining~~ If the Wisconsin Works agency determines
24 that the appropriate placement for an individual is in unsubsidized employment or
25 a trial job, ~~the Wisconsin works agency shall conduct an educational needs~~

1 ~~assessment of the individual. If the Wisconsin works agency determines and that the~~
2 ~~individual needs and wishes to pursue basic education, including a course of study~~
3 ~~meeting the standards established under s. 115.29 (4) (a) for the granting of a~~
4 ~~declaration of equivalency of high school graduation, and if the individual wishes to~~
5 ~~pursue basic education, the Wisconsin works agency shall include basic education in~~
6 ~~an employability plan developed for the individual. The Wisconsin works Works~~
7 ~~agency shall pay for the basic education services identified in the employability plan~~
8 ~~developed for the individual.~~

9 ***b0258/1.4* SECTION 1223p.** 49.147 (1m) (a) of the statutes is created to read:

10 49.147 (1m) (a) A Wisconsin Works agency shall conduct an educational needs
11 assessment of each individual who applies for a Wisconsin Works employment
12 position. If the individual and the Wisconsin Works agency determine that the
13 individual needs, or would benefit from, education or training activities, including
14 a course of study meeting the standards established under s. 115.29 (4) (a) for the
15 granting of a declaration of equivalency of high school graduation, and if the
16 Wisconsin Works agency determines that the individual is eligible for a Wisconsin
17 Works employment position, the Wisconsin Works agency shall include education or
18 training activities in any employability plan developed for the individual.

19 ***-1243/1.29* SECTION 1224.** 49.147 (6) (c) of the statutes is amended to read:

20 49.147 (6) (c) *Distribution and administration.* From the appropriations under
21 s. 20.445 (3) (e) (dz), (jL), and (md), the department shall distribute funds for job
22 access loans to a Wisconsin works Works agency, which shall administer the loans
23 in accordance with rules promulgated by the department.

24 ***-0229/2.2* SECTION 1225.** 49.147 (6) (cm) of the statutes is created to read:

1 49.147 (6) (cm) *Collection of delinquent repayments.* 1. The department of
2 workforce development may, in the manner provided in s. 49.85, collect job access
3 loan repayments that are delinquent under the terms of a repayment agreement.
4 The department of workforce development shall credit all delinquent repayments
5 collected by the department of revenue as a setoff under s. 71.93 to the appropriation
6 account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude
7 the department of workforce development from collecting delinquent repayments
8 through other legal means.

9 2. Subdivision 1. applies to delinquent repayments existing on or after the
10 effective date of this subdivision ... [revisor inserts date], regardless of when the loan
11 was made or when the delinquency accrued.

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~~ \$7,593,500 in fiscal year ~~2001–02~~ 2003–04 and ~~\$27,977,500~~ \$7,597,300
15 in fiscal year ~~2002–03~~ for the purposes of providing technical assistance for child care
16 providers, 2004–05 for administering the child care program under this section and
17 for grants under s. 49.136 (2) for the start-up and expansion of child day care
18 services, for child day care start-up and expansion planning, for grants under s.
19 49.134 (2) for child day care resource and referral services, for grants under s. 49.137
20 (3) to assist child care providers in meeting the quality of care standards established
21 under sub. (1d), for a system of rates or a program of grants, as provided under sub.
22 (1d), for reimbursement of child care providers that meet those quality of care
23 standards, for grants under s. 49.137 (2) and (4m), for a child care scholarship and
24 bonus program, for safe child care activities, and for administration of the

1 department's office of child care, ~~and for contracts under s. 49.137 (4) to improve the~~
2 ~~quality of child day care 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 *~~1256/5.53~~* SECTION 1247. 49.1635 (1) of the statutes is amended to read:

10 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
11 from the appropriation under s. 20.445 (3) (md) the department ~~shall~~ may distribute
12 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
13 amount received by the foundation from private donations, but not to exceed
14 \$100,000 in ~~each~~ a fiscal year. Except as provided in sub. (4), funds distributed under
15 this subsection may be used only for the provision of legal services to individuals who
16 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
17 whose incomes are at or below 200% of the poverty line.

18 *~~1752/3.9~~* SECTION 1248. 49.167 (1) (intro.) of the statutes is amended to
19 read:

20 49.167 (1) (intro.) The department ~~shall~~ may award grants to counties, tribal
21 governing bodies, and private entities to provide community-based alcohol and
22 other drug abuse treatment programs that are targeted at individuals who have a
23 family income of not more than 200% of the poverty line and who are eligible for
24 temporary assistance for needy families under 42 USC 601 et seq. and that do all of
25 the following:

1 ***-1752/3.10*** SECTION 1249. 49.167 (2) (intro.) of the statutes is amended to
2 read:

3 49.167 (2) (intro.) The department shall do all of the following with respect to
4 the any grants awarded under par. (a):

5 ***-1752/3.11*** SECTION 1250. 49.169 (2) of the statutes is amended to read:

6 49.169 (2) The department shall may award ~~not more than \$1,404,100 in~~
7 grants to qualified applicants for the provision of literacy training to individuals who
8 are eligible for temporary assistance for needy families under 42 USC 601 ~~et. et~~ seq.

9 ***-1752/3.12*** SECTION 1251. 49.169 (4) of the statutes is amended to read:

10 49.169 (4) The department, in consultation with the technical college system
11 board, the department of public instruction, and the governor's office, shall develop
12 written criteria to be used to evaluate the any grant proposals and to allocate the any
13 grants under this section among the successful grant applicants.

14 ***b0249/3.12*** SECTION 1251m. 49.173 of the statutes is repealed.

15 ***-1243/1.30*** SECTION 1252. 49.175 (1) (intro.) of the statutes is amended to
16 read:

17 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
18 the limits of the appropriations under s. 20.445 (3) (a), (cm), (~~de~~), (dz), (~~e~~), (jL), (k),
19 (~~kx~~), (L), (mc), (md), (nL), (~~pm~~), and (~~ps~~) (s), the department shall allocate the
20 following amounts for the following purposes:

21 ***-1752/3.13*** SECTION 1253. 49.175 (1) (a) of the statutes is amended to read:

22 49.175 (1) (a) *Wisconsin works* Works *benefits*. For Wisconsin ~~works~~ Works
23 benefits provided under contracts having a term that begins on January 1, 2000
24 2002, and ends on December 31, ~~2001~~ 2003, \$~~24,654,800~~ \$33,219,700 in fiscal year
25 ~~2001–02~~ 2003–04; and for Wisconsin ~~works~~ Works benefits provided under contracts

1 having a term that begins on January 1, ~~2002~~ 2004, and ends on December 31, ~~2003~~
2 2005, ~~\$24,654,800~~ \$33,219,700 in fiscal year ~~2001–02~~ 2003–04 and ~~\$49,309,600~~
3 \$66,439,400 in fiscal year ~~2002–03~~ 2004–05.

4 ***-1752/3.14* SECTION 1254.** 49.175 (1) (b) of the statutes is amended to read:

5 49.175 (1) (b) *Wisconsin works* Works administration and ancillary services.

6 For administration of Wisconsin ~~works and program services under Wisconsin works~~
7 Works performed under contracts under s. 49.143 having a term that begins on
8 January 1, ~~2000~~ 2002, and ends on December 31, ~~2001, \$63,269,900~~ 2003,
9 \$10,582,800 in fiscal year ~~2001–02~~ 2003–04; and for administration of Wisconsin
10 ~~works and program services under Wisconsin works~~ Works performed under
11 contracts under s. 49.143 having a term that begins on January 1, ~~2002~~ 2004, and
12 ends on December 31, ~~2003, \$49,610,800~~ 2005, \$10,582,900 in fiscal year ~~2001–02~~
13 2003–04 and ~~\$99,221,600~~ \$21,165,700 in fiscal year ~~2002–03~~ 2004–05.

14 ***-1752/3.15* SECTION 1255.** 49.175 (1) (c) of the statutes is amended to read:

15 49.175 (1) (c) *Performance bonuses.* For the payment of performance bonuses
16 to Wisconsin ~~works~~ Works agencies that have entered into contracts under s. 49.143
17 having a term that begins on January 1, ~~2000~~ 2002, and that ends on
18 December 31, ~~2001, \$12,820,800~~ 2003, \$0 in fiscal year ~~2001–02~~ 2003–04.

19 ***-1752/3.16* SECTION 1256.** 49.175 (1) (d) of the statutes is repealed.

20 ***-1752/3.17* SECTION 1257.** 49.175 (1) (e) of the statutes is repealed.

21 ***-1752/3.18* SECTION 1258.** 49.175 (1) (f) of the statutes is created to read:

22 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
23 Wisconsin Works, including transportation assistance for individuals who are
24 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
25 provided under contracts under s. 49.143 having a term that begins on January 1,

1 2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003–04; and for
2 program services under Wisconsin Works, including transportation assistance for
3 individuals who are eligible to receive temporary assistance for needy families under
4 42 USC 601 et seq., education and training, mentoring, and other services provided
5 under contracts under s. 49.143 having a term that begins on January 1, 2004, and
6 ends on December 31, 2005, \$27,803,300 in fiscal year 2003–04 and \$55,606,600 in
7 fiscal year 2004–05.

8 ***-1752/3.19* SECTION 1259.** 49.175 (1) (g) of the statutes is amended to read:

9 49.175 (1) (g) *State administration of public assistance programs.* For state
10 administration of public assistance programs, ~~\$24,680,700 in fiscal year 2001–02~~
11 ~~and \$24,693,200~~ \$18,484,600 in each fiscal year 2002–03.

12 ***-1752/3.20* SECTION 1260.** 49.175 (1) (h) of the statutes is repealed.

13 ***-1752/3.21* SECTION 1261.** 49.175 (1) (i) of the statutes is amended to read:

14 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
15 ~~\$3,300,000~~ \$4,500,000 in each fiscal year.

16 ***-1752/3.22* SECTION 1262.** 49.175 (1) (j) of the statutes is repealed.

17 ***-1752/3.23* SECTION 1263.** 49.175 (1) (n) of the statutes is amended to read:

18 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
19 ~~\$600,000~~ \$200,000 in each fiscal year.

20 ***-1752/3.24* SECTION 1265.** 49.175 (1) (p) of the statutes is amended to read:

21 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
22 49.155, ~~\$274,500,000~~ \$298,640,600 in fiscal year ~~2001–02~~ 2003–04 and
23 ~~\$305,550,000~~ \$308,040,600 in fiscal year ~~2002–03~~ 2004–05.

24 ***-1752/3.26* SECTION 1266.** 49.175 (1) (q) of the statutes is amended to read:

1 49.175 (1) (q) *Indirect child care services*. For indirect child care services under
2 s. 49.155 (1g), ~~\$24,293,900~~ \$9,559,400 in fiscal year ~~2001–02~~ 2003–04 and
3 ~~\$15,458,000~~ \$9,626,700 in fiscal year ~~2002–03~~ 2004–05.

4 *~~1752/3.27~~* SECTION 1267. 49.175 (1) (qm) of the statutes is amended to read:

5 49.175 (1) (qm) *Local pass-through grant program*. For the local pass-through
6 grant program under s. 49.137 (4m), ~~\$25,210,800~~ \$2,475,100 in fiscal year ~~2001–02~~
7 2003–04 and ~~\$17,253,200~~ \$2,478,500 in fiscal year ~~2002–03~~ 2004–05.

8 *~~1752/3.28~~* SECTION 1268. 49.175 (1) (r) of the statutes is amended to read:

9 49.175 (1) (r) *Early childhood excellence initiative*. For grants under s. 49.1375,
10 ~~\$11,395,900 in fiscal year 2001–02~~ and ~~\$2,750,000~~ \$2,500,000 in each fiscal year
11 ~~2002–03~~.

12 *~~b0249/3.28~~* SECTION 1269c. 49.175 (1) (u) of the statutes is repealed.

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:

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 \$24,122,200 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 \$26,397,200 in fiscal year
9 2001–02 2003–04 and \$19,796,000 \$29,175,100 in fiscal year 2002–03 2004–05.

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

11 *~~b0249/3.33~~* SECTION 1277c. 49.175 (1) (ze) 7. of the statutes is amended to
12 read:

13 49.175 (1) (ze) 7. ‘~~Adolescent~~ Brighter Futures and tribal adolescent services
14 ~~and pregnancy prevention programs.~~’ For adolescent services substance abuse and
15 pregnancy prevention programs under ss. ~~46.93~~, 46.99, and 46.995, \$1,816,500
16 \$1,367,100 in each fiscal year.

17 *~~1752/3.38~~* SECTION 1278. 49.175 (1) (ze) 8. of the statutes is amended to
18 read:

19 49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse
20 services grants under s. 46.95 (2), \$1,000,000 \$750,000 in each fiscal year.

21 *~~1752/3.39~~* SECTION 1279. 49.175 (1) (ze) 9. of the statutes is repealed.

22 *~~b0249/3.34~~* SECTION 1279f. 49.175 (1) (ze) 10m. of the statutes is amended
23 to read:

24 49.175 (1) (ze) 10m. ‘Safety services.’ For services provided in counties having
25 a population of 500,000 or more to ensure the safety of children who the department

1 of health and family services determines may remain at home if appropriate services
2 are provided, ~~\$7,094,100~~ \$7,045,500 in each fiscal year.

3 *~~1752/3.40~~* SECTION 1280. 49.175 (1) (ze) 12. of the statutes is created to read:
4 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
5 the costs associated with the Milwaukee child welfare information system and the
6 Wisconsin statewide automated child welfare information system, \$1,695,700 in
7 fiscal year 2003–04 and \$1,741,300 in fiscal year 2004–05.

8 *~~1752/3.41~~* SECTION 1281. 49.175 (1) (zf) of the statutes is repealed.

9 *~~1752/3.42~~* SECTION 1282. 49.175 (1) (zg) of the statutes is repealed.

10 *~~1752/3.43~~* SECTION 1283. 49.175 (1) (zh) of the statutes is amended to read:
11 49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys
12 from the appropriation account under s. 20.445 (3) (md) to the appropriation account
13 under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,244,500~~ \$57,892,000 in
14 fiscal year ~~2001–02~~ 2003–04 and ~~\$55,160,000~~ \$59,532,000 in fiscal year ~~2002–03~~
15 2004–05.

16 *~~1752/3.44~~* SECTION 1284. 49.175 (1) (zj) of the statutes is amended to read:
17 49.175 (1) (zj) *Head start Start.* For the transfer of moneys to the department
18 of public instruction for ~~head start~~ Head Start agencies, ~~\$3,712,500~~ \$3,500,000 in
19 each fiscal year.

20 *~~1752/3.45~~* SECTION 1285. 49.175 (1) (zk) of the statutes is repealed.

21 *~~1752/3.46~~* SECTION 1286. 49.179 of the statutes is repealed.

22 *~~0529/4.99~~* SECTION 1287. 49.19 (3) (b) of the statutes is amended to read:
23 49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person
24 eligible for aid under this section, that county department shall, on a form to be
25 prescribed by the department, direct the payment of such aid by order upon the state

1 ~~treasurer~~ secretary of administration. Payment of aid shall be made monthly, based
2 on a calendar month or fiscal month as defined by the department; except that the
3 director of the county department may, in his or her discretion for the purpose of
4 protecting the public, direct that the monthly allowance be paid in accordance with
5 sub. (5) (c).

6 *~~0190/7.9~~* SECTION 1288. 49.19 (5) (d) of the statutes is amended to read:

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

10 *~~0529/4.100~~* SECTION 1289. 49.19 (14) (b) of the statutes is amended to read:

11 49.19 (14) (b) If the ~~state treasurer~~ secretary of administration is unable to
12 issue a replacement check or draft requested under par. (a) because the original has
13 been paid, the department shall promptly authorize the issuance of a replacement
14 check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount
15 of the original check or draft that amount shall be returned to the department. If the
16 ~~state treasurer~~ secretary of administration is unable to obtain recovery, the
17 department may pursue recovery.

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

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 ***b0178/3.4* SECTION 1296c.** 49.24 (2) (b) of the statutes is repealed and
7 recreated to read:

8 49.24 (2) (b) Subject to the incentive payments limit specified in par. (a), the
9 department shall distribute to counties, in accordance with the formula established
10 under par. (a), all of the following:

11 1. Of the amount of federal child support incentive payments awarded to the
12 state for federal fiscal year 2002, the amount awarded if that amount is less than
13 \$12,340,000, or \$12,340,000 plus 50% of the amount awarded that exceeds
14 \$12,340,000.

15 2. Of the amount of federal child support incentive payments awarded to the
16 state for each federal fiscal year after federal fiscal year 2002, the amount awarded
17 if that amount is less than \$12,340,000, or \$12,340,000 plus 30% of the amount
18 awarded that exceeds \$12,340,000.

19 3. All federal matching funds associated with the amounts distributed under
20 subs. 1. and 2.

21 ***b0178/3.4* SECTION 1296e.** 49.24 (2) (c) of the statutes is created to read:

22 49.24 (2) (c) The department may retain 50% of the amount of federal child
23 support incentive payments awarded to the state for federal fiscal year 2002 that
24 exceeds \$12,340,000, and may retain 70% of the amount of federal child support
25 incentive payments awarded to the state for each federal fiscal year after federal

1 fiscal year 2002 that exceeds \$12,340,000, to be used to pay the costs of the
2 department's activities under ss. 49.22 and 49.227 and costs related to receiving and
3 disbursing support and support-related payments.

4 ***b0178/3.4* SECTION 1296g.** 49.24 (2) (d) of the statutes is created to read:

5 49.24 (2) (d) If the amount of federal child support incentive payments awarded
6 to the state for a federal fiscal year is less than \$12,340,000, the total of payments
7 distributed to counties under par. (b) and sub. (1) for that federal fiscal year may not
8 exceed \$12,340,000.

9 ***-0279/1.5* SECTION 1298.** 49.24 (3) of the statutes is amended to read:

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

13 ***-0190/7.10* SECTION 1302.** 49.30 of the statutes is renumbered 49.785, and
14 49.785 (2), as renumbered, is amended to read:

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

25 ***-0190/7.11* SECTION 1303.** 49.32 (2) (d) of the statutes is repealed.

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

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

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

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

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

24 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
25 subject to par. (b), the department ~~of health and family services~~ shall reimburse each

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

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

21 (b) To facilitate prompt reimbursement the certificate of the department of ~~of~~
22 ~~health and family services~~ may be based on the certified statements of the county
23 officers or tribal governing body executives filed under par. (a). Funds recovered
24 from audit adjustments from a prior fiscal year may be included in subsequent
25 certifications only to pay counties owed funds as a result of any audit adjustment.

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

5 ***-0190/7.13* SECTION 1310.** 49.45 (2) (a) 3. of the statutes is amended to read:

6 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
7 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
8 policies adopted by the department and ~~shall~~ may, under a contract under s. 49.33
9 49.78 (2), designate delegate all, or any portion, of this function to the county
10 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

11 ***-1760/2.7* SECTION 1311.** 49.45 (2) (a) 17. of the statutes is amended to read:

12 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
13 organization, the joint committee on finance and appropriate standing committees,
14 as determined by the presiding officer of each house, if the appropriation accounts
15 under s. 20.435 (4) (b) ~~is~~ and (gp) are insufficient to provide the state share of medical
16 assistance.

17 ***b0286/2.1* SECTION 1312n.** 49.45 (2) (a) 26. of the statutes is created to read:

18 49.45 (2) (a) 26. For recipients of Medical Assistance who are eligible for the
19 Supplemental Security Income Program under 42 USC 1382 to 1383f, who are not
20 eligible under s. 49.468, who are not minors, and who are required to be enrolled in
21 managed care plans, annually do all of the following:

22 a. Consult with advocacy groups and managed care organizations in
23 determining the types of services required by the recipients, particularly those with
24 problems related to mental illness or alcohol or other drug abuse; and in determining

1 the capitation rates for managed care plan contracts, so as to ensure that the services
2 required are available to the recipients.

3 b. Submit the proposed contracts for managed care plans for the recipients to
4 the appropriate standing committees of the legislature for review before offering the
5 contracts to managed care organizations for bidding.

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,

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

22 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations
23 appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w), the department shall
24 distribute not more than \$2,256,000 in each fiscal year, to provide supplemental
25 funds to rural hospitals that, as determined by the department, have high utilization

1 of inpatient services by patients whose care is provided from governmental sources,
2 and to provide supplemental funds to critical access hospitals, except that the
3 department may not distribute funds to a rural hospital or to a critical access hospital
4 to the extent that the distribution would exceed any limitation under 42 USC 1396b
5 (i) (3).

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

7 49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
8 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
9 services provided by the centers for the developmentally disabled. Reimbursement
10 to the centers for the developmentally disabled shall be reduced following each
11 placement made under s. 46.275 that involves a relocation from a center for the
12 developmentally disabled, by \$200 per day, ~~beginning in fiscal year 2001–02, and by~~
13 \$225 per day, beginning in fiscal year 2002–03, and by \$325 per day, beginning in
14 fiscal year 2004–05.

15 ***-0209/2.2* SECTION 1321.** 49.45 (6c) (a) 6m. of the statutes is created to read:

16 49.45 (6c) (a) 6m. “Intermediate facility” has the meaning given in s. 46.279
17 (1) (a).

18 ***-0209/2.3* SECTION 1322.** 49.45 (6c) (b) of the statutes is amended to read:

19 49.45 (6c) (b) *Preadmission screening.* Except as provided in par. (e), ~~beginning~~
20 ~~on August 9, 1989,~~ every individual who applies for admission to a facility or to an
21 institution for mental diseases shall be screened to determine if the individual has
22 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The
23 department or an entity to which the department has delegated authority shall
24 screen every individual who has been identified as having a developmental disability
25 or mental illness to determine if the individual needs facility care. If the individual

1 is determined to need facility care, the department or an entity to which the
2 department has delegated authority shall also assess the individual to determine if
3 he or she requires active treatment for developmental disability or active treatment
4 for mental illness. If the department or entity determines that the individual
5 requires active treatment for developmental disability, the department or entity
6 shall determine whether the level of care required by the individual that is provided
7 by a facility could be provided safely in an intermediate facility or under a plan that
8 is developed under s. 46.279 (4).

9 ***-0209/2.4*** SECTION 1323. 49.45 (6c) (c) (intro.) of the statutes is amended to
10 read:

11 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the
12 department or an entity to which the department has delegated authority shall
13 review every resident of a facility or institution for mental diseases who has a
14 developmental disability or mental illness and who has experienced a significant
15 change in his or her physical or mental condition to determine ~~if any~~ all of the
16 following applies:

17 ***-0209/2.5*** SECTION 1324. 49.45 (6c) (c) 1. of the statutes is amended to read:

18 49.45 (6c) (c) 1. The Whether the resident needs facility care.

19 ***-0209/2.6*** SECTION 1325. 49.45 (6c) (c) 2. of the statutes is amended to read:

20 49.45 (6c) (c) 2. The Whether the resident requires active treatment for
21 developmental disability or active treatment for mental illness.

22 ***-0209/2.7*** SECTION 1326. 49.45 (6c) (c) 3. of the statutes is created to read:

23 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the
24 resident needs facility care and under subd. 2. that the resident requires active
25 treatment for developmental disability, whether the level of care required by the

1 resident that is provided by a facility could be provided safely in an intermediate
2 facility or under a plan that is developed under s. 46.279 (4).

3 ***-0210/4.1* SECTION 1327.** 49.45 (6m) (a) 4. of the statutes is repealed.

4 ***-1760/2.8* SECTION 1328.** 49.45 (6m) (ag) (intro.) of the statutes is amended
5 to read:

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

13 ***-0210/4.2* SECTION 1329.** 49.45 (6m) (ag) 2. of the statutes is amended to
14 read:

15 49.45 (6m) (ag) 2. Standards Except as provided in subd. 3r., standards
16 established by the department that shall be based upon allowable costs incurred by
17 facilities in the state as available from information submitted under par. (c) 3. and
18 compiled by the department.

19 ***-0210/4.3* SECTION 1330.** 49.45 (6m) (ag) 3m. of the statutes is amended to
20 read:

21 49.45 (6m) (ag) 3m. For each state fiscal year ~~1999–2000~~, rates that shall be
22 set by the department based on information from cost reports for the 1998 most
23 recently completed fiscal year of the facility and ~~for state fiscal year 2000–01~~, rates
24 ~~that shall be set by the department based on information from cost reports for the~~
25 ~~1999~~ fiscal year of the facility.

1 *~~0210/4.4~~* SECTION 1331. 49.45 (6m) (ag) 3m. of the statutes, as affected by
2 2003 Wisconsin Act (this act), is amended to read:

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

6 *~~0210/4.5~~* SECTION 1332. 49.45 (6m) (ag) 3r. of the statutes is created to read:
7 49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for
8 costs specified under par. (am) 1. a. and 2.

9 *~~0210/4.6~~* SECTION 1333. 49.45 (6m) (ag) 3r. of the statutes, as created by
10 2003 Wisconsin Act (this act), is amended to read:

11 49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department,~~ for
12 all costs specified under par. (am) 1. a. and 2.

13 *~~b0282/3.1~~* SECTION 1333d. 49.45 (6m) (ag) 8. of the statutes is created to
14 read:

15 49.45 (6m) (ag) 8. Maintenance of the identical proportion of payment for direct
16 care costs, as specified in par. (am) 1., to total payment for all costs specified in par.
17 (am) as that made in state fiscal year 2002–03.

18 *~~0210/4.7~~* SECTION 1334. 49.45 (6m) (am) 1. a. of the statutes is amended to
19 read:

20 49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;
21 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,
22 recreation person, social worker, volunteer coordinator, teacher for residents aged 22
23 and older, vocational counselor for residents aged 22 and older, religious person,
24 therapy aide, therapy assistant, and counselor on resident living.

25 *~~0210/4.8~~* SECTION 1335. 49.45 (6m) (am) 1. b. of the statutes is repealed.

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

3 49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed
4 practical nurse and nurse's assistant.

5 ***-0210/4.10*** SECTION 1337. 49.45 (6m) (am) 1. d. of the statutes is repealed.

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

7 ***-0210/4.12*** SECTION 1339. 49.45 (6m) (am) 3. (intro.) of the statutes is
8 renumbered 49.45 (6m) (am) 2. c. and amended to read:

9 49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility
10 expenses that the department determines are allowable for the provision of:
11 electrical service, water and sewer services, and heat.

12 ***-0210/4.13*** SECTION 1340. 49.45 (6m) (am) 3. a. of the statutes is repealed.

13 ***-0210/4.14*** SECTION 1341. 49.45 (6m) (am) 3. b. of the statutes is repealed.

14 ***-0210/4.15*** SECTION 1342. 49.45 (6m) (am) 3. c. of the statutes is repealed.

15 ***-0210/4.16*** SECTION 1343. 49.45 (6m) (am) 4. of the statutes is amended to
16 read:

17 49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service
18 costs incurred paid by the owner of the facility for the facility.

19 ***-0210/4.17*** SECTION 1344. 49.45 (6m) (am) 5. of the statutes is renumbered
20 49.45 (6m) (am) 2. d.

21 ***b0283/1.1*** SECTION 1346d. 49.45 (6m) (ar) 1. a. of the statutes is amended
22 to read:

23 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
24 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
25 serve the developmentally disabled, that take into account direct care costs for a

1 sample of all of those facilities in this state and separate standards for payment of
2 allowable direct care costs, for facilities that primarily serve the developmentally
3 disabled, that take into account direct care costs for a sample of all of those facilities
4 in this state. The standards shall be adjusted by the department for regional labor
5 cost variations. For facilities in Douglas, Pierce, and St. Croix counties, the
6 department shall perform the adjustment by use of the wage index that is used by
7 the federal department of health and human services for hospital reimbursement
8 under 42 USC 1395 to 1395ggg.

9 *~~0210/4.19~~* SECTION 1347. 49.45 (6m) (ar) 2. (intro.) and 2. a. of the statutes
10 are consolidated, renumbered 49.45 (6m) (ar) 2. and amended to read:

11 49.45 (6m) (ar) 2. For support service costs: ~~2. a. The, the~~ department shall
12 establish one or more standards for the payment of support service costs that take
13 into account support service costs for a sample of all facilities within the state.

14 *~~0210/4.20~~* SECTION 1348. 49.45 (6m) (ar) 2. b. of the statutes is repealed.

15 *~~0210/4.21~~* SECTION 1349. 49.45 (6m) (ar) 2. d. of the statutes is repealed.

16 *~~0210/4.22~~* SECTION 1350. 49.45 (6m) (ar) 3. of the statutes is repealed.

17 *~~0210/4.23~~* SECTION 1351. 49.45 (6m) (ar) 5. of the statutes is repealed.

18 *~~0210/4.24~~* SECTION 1352. 49.45 (6m) (av) 1. of the statutes is renumbered
19 49.45 (6m) (av) and amended to read:

20 49.45 (6m) (av) The department shall calculate a payment rate for a facility by
21 applying the criteria set forth under pars. (ag) 1. to 5. and 7., (am) 1. to ~~5.~~ bm., 4., 5m.
22 and 6., and (ar) 1. to ~~5., 4., and 6.~~ to information from cost reports submitted by the
23 facility, as affected by any adjustment for ancillary services and materials under par.
24 (b).

25 *~~0210/4.25~~* SECTION 1353. 49.45 (6m) (av) 2. of the statutes is repealed.

1 *~~0210/4.26~~* SECTION 1354. 49.45 (6m) (av) 3. of the statutes is repealed.

2 *~~0210/4.27~~* SECTION 1355. 49.45 (6m) (av) 4. of the statutes is repealed.

3 *~~0210/4.28~~* SECTION 1356. 49.45 (6m) (av) 5. of the statutes is repealed.

4 *~~0210/4.29~~* SECTION 1357. 49.45 (6m) (av) 5m. of the statutes is repealed.

5 *~~0210/4.30~~* SECTION 1358. 49.45 (6m) (av) 6. of the statutes is repealed.

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

7 *~~1611/4.1~~* SECTION 1360. 49.45 (6t) of the statutes, as affected by 2001
8 Wisconsin Act 16, is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) 2. (intro.), 3. and
9 4., as renumbered, are amended to read:

10 49.45 (6t) (a) 2. (intro.) Based on the amount estimated to be available under
11 ~~par. (a) subd. 1.~~, develop a method, which need not be promulgated as rules under
12 ch. 227, to distribute this allocation to the individual county departments under s.
13 46.215, 46.22, 46.23 or 51.42 or to local health departments that have incurred
14 operating deficits that shall include all of the following:

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

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

22 *~~1611/4.2~~* SECTION 1361. 49.45 (6t) (b) of the statutes is created to read:

23 49.45 (6t) (b) If 2003 Wisconsin Act (this act), section 9124 (8) (a) applies,
24 this subsection does not apply.

25 *~~0194/9.10~~* SECTION 1362. 49.45 (6tt) of the statutes is created to read:

1 49.45 (6tt) DISTRIBUTIONS TO COUNTY DEPARTMENTS AND LOCAL HEALTH
2 DEPARTMENTS. From the appropriation under s. 20.435 (4) (w), the department may
3 in each fiscal year distribute moneys to county departments under s. 46.215, 46.22,
4 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), under a plan
5 developed by the department.

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

8 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), ~~in state fiscal years in~~
9 ~~which less than \$1 in federal financial participation relating to facilities is received~~
10 ~~under 42 CFR 433.51, from the appropriations under s. 20.435 (4) (o), (w), and (wm),~~
11 for reduction of operating deficits, as defined under the methodology used by the
12 department in December, 2000, incurred by a facility that is established under s.
13 49.70 (1) or that is owned and operated by a city, village, or town, and as payment
14 to care management organizations, the department may not distribute to these
15 facilities and to care management organizations more than \$37,100,000 in each
16 fiscal year, as determined by the department. The total amount that a county
17 certifies under this subsection may not exceed 100% of otherwise-unreimbursed
18 care. In distributing funds under this subsection, the department shall perform all
19 of the following:

20 *~~1252/3.3~~* SECTION 1364. 49.45 (6u) (bm) of the statutes is repealed.

21 *~~1760/2.9~~* SECTION 1365. 49.45 (6v) (b) of the statutes is amended to read:

22 49.45 (6v) (b) The department shall, each year, submit to the joint committee
23 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
24 provides information on the utilization of beds by recipients of medical assistance in
25 facilities and a discussion and detailed projection of the likely balances,

1 expenditures, encumbrances and carry over of currently appropriated amounts in
2 the appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, and (o).

3 ***-1760/2.10* SECTION 1366.** 49.45 (6x) (a) of the statutes is amended to read:

4 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations
5 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), the department shall
6 distribute not more than \$4,748,000 in each fiscal year, to provide funds to an
7 essential access city hospital, except that the department may not allocate funds to
8 an essential access city hospital to the extent that the allocation would exceed any
9 limitation under 42 USC 1396b (i) (3).

10 ***-1760/2.11* SECTION 1367.** 49.45 (6y) (a) of the statutes is amended to read:

11 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations
12 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), the department shall
13 distribute funding in each fiscal year to provide supplemental payment to hospitals
14 that enter into a contract under s. 49.02 (2) to provide health care services funded
15 by a relief block grant, as determined by the department, for hospital services that
16 are not in excess of the hospitals' customary charges for the services, as limited under
17 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the
18 allocation of funds to such hospitals would exceed any limitation under 42 USC
19 1396b (i) (3), the department may distribute funds to hospitals that have not entered
20 into a contract under s. 49.02 (2).

21 ***-1760/2.12* SECTION 1368.** 49.45 (6y) (am) of the statutes is amended to read:

22 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations
23 appropriation accounts under s. 20.435 (4) (b), (h), ~~(gp)~~, (o), and (w), the department
24 shall distribute funding in each fiscal year to provide supplemental payments to
25 hospitals that enter into contracts under s. 49.02 (2) with a county having a

1 population of 500,000 or more to provide health care services funded by a relief block
2 grant, as determined by the department, for hospital services that are not in excess
3 of the hospitals' customary charges for the services, as limited under 42 USC 1396b
4 (i) (3).

5 ***-1760/2.13* SECTION 1369.** 49.45 (6z) (a) (intro.) of the statutes is amended
6 to read:

7 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the ~~appropriations~~
8 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), the department shall
9 distribute funding in each fiscal year to supplement payment for services to hospitals
10 that enter into a contract under s. 49.02 (2) to provide health care services funded
11 by a relief block grant under this chapter, if the department determines that the
12 hospitals serve a disproportionate number of low-income patients with special
13 needs. If no medical relief block grant under this chapter is awarded or if the
14 allocation of funds to such hospitals would exceed any limitation under 42 USC
15 1396b (i) (3), the department may distribute funds to hospitals that have not entered
16 into a contract under s. 49.02 (2). The department may not distribute funds under
17 this subsection to the extent that the distribution would do any of the following:

18 ***-1760/2.14* SECTION 1372.** 49.45 (8) (b) of the statutes is amended to read:

19 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w) for home
20 health services provided by a certified home health agency or independent nurse
21 shall be made at the home health agency's or nurse's usual and customary fee per
22 patient care visit, subject to a maximum allowable fee per patient care visit that is
23 established under par. (c).

24 ***-1489/P2.2* SECTION 1373.** 49.45 (18) (intro.) of the statutes is renumbered
25 49.45 (18) (ac) and amended to read:

1 49.45 (18) (ac) Except as provided in pars. (a) (am) to (d), and subject to par.
2 (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47 shall
3 pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for
4 purchases of services provided under s. 49.46 (2). The service provider shall collect
5 the specified or allowable copayment, coinsurance, or deductible, unless the service
6 provider determines that the cost of collecting the copayment, coinsurance, or
7 deductible exceeds the amount to be collected. The department shall reduce
8 payments to each provider by the amount of the specified or allowable copayment,
9 coinsurance, or deductible. No provider may deny care or services because the
10 recipient is unable to share costs, but an inability to share costs specified in this
11 subsection does not relieve the recipient of liability for these costs. ~~Liability under~~
12 ~~this subsection is limited by the following provisions:~~

13 *~~1489/P2.3~~* SECTION 1374. 49.45 (18) (a) of the statutes is renumbered 49.45
14 (18) (am).

15 *~~1489/P2.4~~* SECTION 1375. 49.45 (18) (ag) of the statutes is created to read:
16 49.45 (18) (ag) Except as provided in pars. (am), (b), and (c), and subject to par.
17 (d), a recipient specified in par. (ac) shall pay all of the following:

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

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

22 *~~1489/P2.5~~* SECTION 1376. 49.45 (18) (d) of the statutes is amended to read:
23 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
24 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist

1 is liable under this subsection for more than \$5 \$12 per month for prescription drugs
2 received.

3 *~~0190/7.17~~* SECTION 1377. 49.45 (19) (bm) of the statutes is amended to read:

4 49.45 (19) (bm) The department or the county department under s. 46.215 or
5 46.22 shall notify applicants of the requirements of this subsection at the time of
6 application.

7 *~~1760/2.15~~* SECTION 1378. 49.45 (24m) (intro.) of the statutes is amended to
8 read:

9 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
10 From the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (~~gp~~), (o), and
11 (w), in order to test the feasibility of instituting a system of reimbursement for
12 providers of home health care and personal care services for medical assistance
13 recipients that is based on competitive bidding, the department shall:

14 *~~0360/2.1~~* SECTION 1379. 49.45 (25) (am) (intro.) of the statutes is amended
15 to read:

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

23 *~~0360/2.2~~* SECTION 1380. 49.45 (25) (bj) of the statutes is created to read:

24 49.45 (25) (bj) The department of corrections may elect to provide case
25 management services under this subsection to persons who are under the

1 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
2 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
3 the conditions specified in par. (am). The amount of the allowable charges for those
4 services under the Medical Assistance program that is not provided by the federal
5 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
6 (ho), or (hr).

7 ***-0360/2.3* SECTION 1381.** 49.45 (25) (c) of the statutes is amended to read:

8 49.45 (25) (c) Except as provided in pars. (b), (be) ~~and~~, (bg), and (bj), the
9 department shall reimburse a provider of case management services under this
10 subsection only for the amount of the allowable charges for those services under the
11 ~~medical assistance~~ Medical Assistance program that is provided by the federal
12 government.

13 ***b0276/1.4* SECTION 1382c.** 49.45 (30e) (a) 5. of the statutes is created to read:

14 49.45 (30e) (a) 5. Any other condition required by rule under par. (b) 4. is
15 satisfied.

16 ***b0276/1.4* SECTION 1382e.** 49.45 (30e) (b) 4. of the statutes is created to read:

17 49.45 (30e) (b) 4. Any other conditions for coverage of community-based
18 psychosocial services under the Medical Assistance Program.

19 ***-0209/2.8* SECTION 1383.** 49.45 (30m) of the statutes is renumbered 49.45

20 (30m) (a) (intro.) and amended to read:

21 49.45 (30m) (a) (intro.) Except as provided in par. (am), a county shall provide
22 the portion of the payment that is not provided by the federal government for all of
23 the following services under s. 51.06 (1m) (d) to individuals with developmental
24 disability who are eligible for medical assistance that is not provided by the federal
25 government.:

1 ***-0209/2.9*** SECTION 1384. 49.45 (30m) (a) 1. of the statutes is created to read:

2 49.45 (30m) (a) 1. Services under s. 51.06 (1m) (d).

3 ***-0209/2.10*** SECTION 1385. 49.45 (30m) (a) 2. of the statutes is created to read:

4 49.45 (30m) (a) 2. Services in an intermediate care facility for the mentally
5 retarded, as defined in s. 46.278 (1m) (am), other than a state center for the
6 developmentally disabled.

7 ***-0209/2.11*** SECTION 1386. 49.45 (30m) (a) 3. of the statutes is created to read:

8 49.45 (30m) (a) 3. Services for which payment is permitted under sub. (6c) (d)
9 2. that are provided in a nursing facility, as defined in s. 46.279 (1) (c).

10 ***b0284/2.10*** SECTION 1386d. 49.45 (30m) (am) of the statutes is created to
11 read:

12 49.45 (30m) (am) The department shall provide the portion of the payment that
13 is not provided by the federal government for any of the services specified in par. (a)
14 1. to 3. that are provided to an individual with developmental disability who is
15 eligible for medical assistance, as determined under the contract under s. 46.279
16 (4m).

17 ***-0209/2.12*** SECTION 1387. 49.45 (30m) (b) of the statutes is created to read:

18 49.45 (30m) (b) No payment under this section may be made for services
19 specified under par. (a) or (am) unless the individual who receives the services is
20 protectively placed under s. 55.06 (9) (a) or is placed under an emergency placement
21 under s. 55.06 (11) (a) or a temporary placement under s. 55.06 (11) (c).

22 ***-0209/2.13*** SECTION 1388. 49.45 (30m) (c) of the statutes is created to read:

23 49.45 (30m) (c) No payment under this section may be made for services
24 specified under par. (a) 2. or 3. that are provided to an individual who was placed in

1 or admitted to an intermediate facility, as defined in s. 46.279 (1) (b), or nursing
2 facility, as defined in s. 46.279 (1) (c), unless one of the following applies:

3 1. Any placement or admission that is made after April 30, 2005, complied with
4 the requirements of s. 46.279.

5 2. For an individual who was protectively placed under ch. 55 at any time, any
6 annual review that is conducted under s. 55.06 (10) (a) 1. after April 30, 2005,
7 complies with the requirements of s. 55.06 (10) (a) 2.

8 ***-0190/7.18* SECTION 1389.** 49.45 (36) of the statutes is amended to read:

9 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
10 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical
11 assistance identification card of any person who is determined to be eligible for
12 medical assistance benefits and who is homeless.

13 ***-0194/9.11* SECTION 1390.** 49.45 (39) (b) 1. of the statutes is amended to read:

14 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
15 cooperative educational service agency elects to provide school medical services and
16 meets all requirements under par. (c), the department shall reimburse the school
17 district or the cooperative educational service agency for 60% of the federal share of
18 allowable charges for the school medical services that it provides and, as specified
19 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
20 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
21 and Hard of Hearing elects to provide school medical services and meets all
22 requirements under par. (c), the department shall reimburse the department of
23 public instruction for 60% of the federal share of allowable charges for the school
24 medical services that the Wisconsin Center for the Blind and Visually Impaired or
25 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing

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

22 *~~0194/9.12~~* SECTION 1391. 49.45 (39) (b) 1m. of the statutes is created to read:
23 49.45 (39) (b) 1m. ‘Supplementary payment for school medical services.’ In
24 addition to the reimbursement the department provides under subd. 1. to a school
25 district or cooperative educational service agency for school medical services, the

1 department may make supplementary payments from the appropriation accounts
2 under s. 20.435 (4) (b) and (o). The total of the supplementary payments and
3 allowable charges paid under subd. 1. may not exceed applicable limitations on
4 payments under 42 USC 1396a (a) (30) (A).

5 ***-0194/9.13* SECTION 1392.** 49.45 (39) (b) 2. of the statutes is amended to read:

6 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
7 department shall reimburse a school district or a cooperative educational service
8 agency specified under ~~subd. 1.~~ subds. 1. and 1m. and shall reimburse the
9 department of public instruction on behalf of the Wisconsin Center for the Blind and
10 Visually Impaired or the Wisconsin Educational Services Program for the Deaf and
11 Hard of Hearing for 90% of the federal share of allowable administrative costs, using
12 time studies, beginning in fiscal year 1999–2000. A school district or a cooperative
13 educational service agency may submit, and the department of health and family
14 services shall allow, claims for administrative costs incurred during the period that
15 is up to 24 months before the date of the claim, if allowable under federal law.

16 ***b0293/P3.1* SECTION 1392p.** 49.45 (49) (a) (intro.) of the statutes is
17 renumbered 49.45 (49) (bm) and amended to read:

18 49.45 (49) (bm) The secretary shall exercise his or her authority under s. 15.04
19 (1) (c) to create a prescription drug prior authorization and therapeutics committee
20 to advise the department on issues related to prior authorization decisions made
21 concerning prescription drugs on behalf of medical assistance recipients. ~~The~~
22 ~~secretary shall appoint as members at least all of the following:~~ and to advise the
23 department on the research, development, and approval of any preferred drug list
24 for the Medical Assistance program or the program under s. 49.665 or 49.668.

25 ***b0293/P3.1* SECTION 1392q.** 49.45 (49) (a) 1. of the statutes is repealed.

1 ***b0293/P3.1* SECTION 1392r.** 49.45 (49) (a) 2. and 3. of the statutes are
2 renumbered 49.45 (49) (c) 6. and 7.

3 ***b0293/P3.1* SECTION 1392rj.** 49.45 (49) (ag) of the statutes is created to read:
4 49.45 (49) (ag) In this subsection:

5 1. “Labeler” means a person who receives prescription drugs from a
6 manufacturer or wholesaler and repackages those drugs for later retail sale, and has
7 a labeler code issued by the federal food and drug administration under 21 CFR
8 207.20 (b).

9 2. “Manufacturer” means a person who is engaged in the production,
10 preparation, propagation, compounding, conversion, or processing of prescription
11 drugs.

12 3. “Physician” has the meaning given in s. 448.01 (5).

13 ***b0293/P3.1* SECTION 1392s.** 49.45 (49) (b) of the statutes is renumbered
14 49.45 (49) (g) and amended to read:

15 49.45 (49) (g) The prescription drug prior authorization and therapeutics
16 committee shall accept information or commentary from representatives of the
17 pharmaceutical manufacturing industry in the committee’s review of prior
18 authorization policies.

19 ***b0293/P3.1* SECTION 1392t.** 49.45 (49) (c), (d), (e), (f), (h) and (i) of the
20 statutes are created to read:

21 49.45 (49) (c) The secretary shall appoint as members of the prescription drug
22 prior authorization and therapeutics committee at least all of the following:

- 23 1. A physician who has expertise in family practice.
24 2. A physician who has expertise in pediatrics.
25 3. A physician who has expertise in geriatrics.

1 4. A physician who has expertise in psychiatry.

2 5. A physician who has expertise in internal medicine and specializes in the
3 treatment of diabetes.

4 (d) A person who is employed by or under contract with a manufacturer, a
5 labeler, or the state may not serve as a member of the prescription drug prior
6 authorization and therapeutics committee, except that the following agreements do
7 not bar a person from serving as a member of the committee:

8 1. An agreement with the department to comply with the requirements for
9 provider certification under sub. (2) (a) 11.

10 2. An agreement between a physician or pharmacist and a manufacturer for
11 the physician or pharmacist to conduct research in return for grant funding from a
12 manufacturer.

13 (e) If a physician or pharmacist who is a member of the prescription drug prior
14 authorization and therapeutics committee receives any grant funding from a
15 manufacturer to conduct research, the physician or pharmacist must disclose the
16 grant funding to the department. Any physician or pharmacist who is a candidate
17 for membership on the committee and receives such grant funding must disclose the
18 grant funding to the department before the secretary appoints the person as a
19 member of the committee.

20 (f) During the first meeting of the prescription drug prior authorization and
21 therapeutics committee in each calendar year, the committee shall elect a member
22 to serve as the chairperson of the committee for a one-year term. The committee
23 shall meet at least once annually and on the call of the chairperson. A majority of
24 the committee constitutes a quorum to do business. Recommendations of the
25 committee shall be determined by majority vote.

1 (h) The department shall consider all relevant recommendations of the
2 prescription drug prior authorization and therapeutics committee before requiring
3 prior authorization for a prescription drug under the Medical Assistance program or
4 under s. 49.665 or 49.668.

5 (i) By January 1 annually, the department shall submit a report to the governor,
6 the members of the joint committee on finance, and the appropriate standing
7 committees of the legislature under s. 13.172 (3), on any changes that the
8 department made in the previous 12 months to department policies related to prior
9 authorization for prescription drugs under the Medical Assistance program or the
10 program under s. 49.665 or 49.668, and shall include all of the following in the report:

11 1. The name and therapeutic class for each prescription drug for which the
12 department changed prior authorization policies.

13 2. The criteria for approving a prior authorization request for any prescription
14 drug identified under subd. 1.

15 3. Identification of any differences between the policies adopted by the
16 department and relevant recommendations of the prescription drug prior
17 authorization and therapeutics committee and, if applicable, the clinical and
18 scientific reasons for diverging from the committee's recommendations.

19 ***-1762/P2.1* SECTION 1393.** 49.45 (49m) of the statutes is created to read:

20 **49.45 (49m) PRESCRIPTION DRUG COST CONTROLS; PURCHASING AGREEMENTS.** (a)

21 In this section:

22 1. "Brand name" has the meaning given in s. 450.12 (1) (a).

23 2. "Generic name" has the meaning given in s. 450.12 (1) (b).

24 3. "Prescription drug" has the meaning given in s. 450.01 (20).

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

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

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

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

17 3. Utilization management and fraud and abuse controls.

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

20 (cg) The department shall consider all relevant recommendations of the
21 prescription drug prior authorization and therapeutics committee before including
22 a prescription drug on, or excluding a prescription drug from, a list under par. (c) 1.

23 (cr) 1. Except as provided in subd. 2., the department may not require prior
24 authorization for a prescription drug under s. 49.46 (2) (b) 6. h. that is prescribed to
25 treat a mental illness.

1 2. The department may require prior authorization for a selective serotonin
2 reuptake inhibitor that is first prescribed for a person on or after March 15, 2004.

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

5 ***b0366/2.1* SECTION 1393c.** 49.45 (51) of the statutes is created to read:

6 49.45 (51) MEDICAL CARE TRANSPORTATION SERVICES. (a) By November 1
7 annually, the department shall provide to the department of revenue information
8 concerning the estimated amounts of supplements payable from the appropriation
9 under s. 20.435 (4) (b) to specific local governmental units for the provision of
10 transportation for medical care, as specified under s. 49.46 (2) (b) 3., during the fiscal
11 year. Beginning November 1, 2004, the information that the department provides
12 under this paragraph shall include any adjustments necessary to reflect actual
13 claims submitted by service providers in the previous fiscal year.

14 (b) On the date that is the 3rd Monday in November, the department shall
15 annually pay to specific local governmental units the estimated net amounts
16 specified in par. (a).

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

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

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

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

25 ***b0285/3.4* SECTION 1403d.** 49.46 (2) (b) 8. of the statutes is amended to read: