

2007 DRAFTING REQUEST

Bill

Received: **09/18/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

This file may be shown to any legislator: **NO**

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **GMM, PJK**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

DOA:.....Jablonsky, BB0021 -

Topic:

Mandated reports; eliminate

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 09/25/2006	kfollett 09/28/2006		_____			State
/1	dkennedy		jfrantze 09/28/2006	_____	sbasford 09/28/2006		

FE Sent For:

<END>

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/?	dkennedy	11 kif 9/28	9/28	<i>[Signature]</i> 9/28			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Mandated Reports
- Tracking Code: BB0021
- SBO team: Health/Ins
- SBO analyst: Sue Jablonsky
 - Phone: 7-9546
 - Email: Sue.Jablonsky@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

Eliminate a number of mandated reports. See attached list.

High Priority

Streamlining Mandated Reports

Current Language

- s.46.03 (18)(a) requires the Department to submit a report on Adoption Services costs.
- s.46.275 (5m) requires the Department to submit a report on the impact of CIP IA on state employees
- s.46.29 (1)(f) and (1)(c) requires the Department to submit a report on the Recommendations of the Council on Physical Disabilities
- s.46.76(4)-(5) requires the Department to submit a report on hunger needs in the state and strategies to address hunger
- s.49.665(6) requires the Department to submit a report on BadgerCare
- s.49.688(8) requires the Department to submit a report on changes in the number of MA certified pharmacists
- s. 50.02(4) requires the Department to submit a report to the board on aging and long term care regarding implementation of rules regarding short-term care nursing home admissions.
- s.50.04 (5)(fr) requires the Department to submit a report on Class A violations for nursing homes.
- s.50.065(5g) requires the Department to submit a report on rehabilitation requests under the Caregiver Background Check program
- s.51.44(5)(c) requires the Department to submit a report on the Birth to Three program
- s.51.45 (4)(p) requires the Department to submit a report on Department activities relating to the treatment of alcoholism
- s.146.53(2) requires the Department to submit a report providing the state emergency health plan
- s.252.04(11) requires the Department to submit a report on statewide immunization
- s.253.115 requires the Department to submit a report on newborn hearing screening
- s.253.12(4)(d) requires the Department to submit a report on birth defect prevention and surveillance
- s. 255.15(4) requires the Department to submit a report on tobacco use cessation

Proposed Change

Eliminate these mandated reports.

Background and Rationale for the Change

A number of statutorily mandated reports are no longer necessary because the purpose for which the report was implemented has been achieved, the report duplicates information that is already published on the Department website or in other reports, or the information is communicated to the legislature in other ways. Eliminating the mandated reports will enable the Department to use its

staff resources more effectively by redeploying staff to higher priority activities. The specific rationale related to the elimination of each report is provided below.

DHFS Mandated Reports

<i>Report</i>	<i>Reason for Elimination</i>
Adoption Services	Information in the report duplicates information in another report published by the Department: the federally-required report Child and Family Services State Plan Annual Progress and Services Report (CFSP/ASPR)
Impact of CIP 1A on state employees	Legislature receives and reviews information on the CIP IA program, including position adjustments, as part of the biennial budget bill
Recommendations of Council on Physical Disabilities	Council communicates to the legislature directly on matters of interest on an as-needed basis.
Hunger	Information in the report duplicates information in another report published by the Department: information on hunger and food insecurity is included in the Department's evaluation of the Healthiest Wisconsin 2010 plan
BadgerCare	Information in the report duplicates information in another report published by the Department: the federally-required quarterly and annual BadgerCare reports. In addition, BadgerCare enrollment and quality information is available on the Department website.
Certified MA pharmacists	The purpose for which the report was established has been met. The report was intended to determine whether there were changes in the number of certified MA pharmacists after the implementation of SeniorCare in 2002. Initial reports demonstrated that there were no changes; further reporting is not needed.
Short-term care nursing admissions	The purpose for which the report was established has been met. The report was established to provide information to the Board on Aging and Long-term care. The Board has indicated that it no longer finds this report useful.
Class A nursing home violations	The purpose for which the report was established has been met. The mandated report on Class A violations was implemented in 1998 to assess the effect of increased forfeiture amounts. The change in 1998 forfeitures is no longer a determining factor in annual changes in Class A violations; therefore, further reporting is not needed.
Rehabilitation Requests under Caregiver Background Check program	The purpose for which the report was established has been met. The report was intended to assess the initial implementation of the Caregiver Background Check program in 1998 and determine if changes were needed. Since 1998, the Legislature has made several changes to the program, based on the initial experience. The program is now stable and beyond its initial implementation period; therefore, further reporting is not needed.
Birth to Three	Information in the report duplicates information in another published report: the Interagency Coordinating Council Birth to Three Report
Alcoholism	Information will be available through another published source: national outcomes for state programs, along with substance use survey data will be available on the federal SAMHSA website.
Emergency Health Services (EMS) Plan	Department plans to publish State EMS Plan on the DHFS website along with the minutes of the EMS Council
Statewide Immunization	Department plans to publish this information on the DHFS website
Newborn Hearing Screening	The purpose for which the report was created has been achieved. Report was established to determine if 88% of deliveries are in hospitals with newborn screening program. This goal was achieved several years ago; the

	current rate is over 99%.
Birth Defect Prevention and Surveillance	Department plans to publish on the DHFS website the status of the birth defect registry, which is the subject of this report.
Tobacco Use Cessation	Information in the report duplicates information in another report published by the Department: the Burden of Tobacco.

Desired Effective Date: Upon passage
Agency: DHFS
Agency Contact: Fredi-Ellen Bove
Phone: 266-2907



State of Wisconsin
2007 - 2008 LEGISLATURE

SOON - Inedit 9/25

NOTE

LRB-0242/31
DAK: kjf

DOA:.....Jablonsky, BB0021 - Mandated reports; eliminate
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

✓ Currently, DHFS must annually report to the legislature concerning compliance by pharmacies and pharmacists that are certified providers of Medical Assistance (MA) with requirements of the Senior Care Program, which provides prescription drug assistance for elderly persons. This bill eliminates this reporting requirement.

MEDICAL ASSISTANCE

X Currently, DHFS administers several programs under waivers of federal Medicaid laws under which MA (Medical Assistance) recipients who reside in certain institutions or who meet certain levels of care requirements are relocated into their communities and provided home and community-based services and long-term care support services. DHFS must annually report to JCF and the legislature concerning the previous year's impact on state employees of the community integration program for residents of state centers for the developmentally disabled (known as "CIP 1A"). This bill eliminates this reporting requirement.

X Currently, DHFS must annually report to the legislature concerning enrollment in and costs of the Badger Care Program. This bill eliminates this reporting requirements.

CHILDREN

Currently, DHFS must report annually to JCF on the number of children placed for adoption by DHFS during the previous year and the costs to the state for services relating to the adoptions. This bill eliminates this reporting requirement.

HEALTH

Currently, the Council on Birth Defects and Prevention Surveillance must biennially report to the legislature on the registry of infants or children with birth defects in this state. DHFS must make all of the following reports:

1. To the Board on Aging and Long-Term Care quarterly, on complaints, investigations, enforcement actions, and other matters concerning nursing homes and other facilities, and annually, on implementation of rules for admission, evaluation, and care procedures for short-term care nursing home residents.
2. To the legislature annually on violations by and forfeiture assessments to nursing homes under conditions of substantial probability of death or serious mental or physical harm to nursing home residents.
3. To the legislature annually on rehabilitation and licensure as caregivers or entity operators of persons who have been found to have abused or neglected children or facility clients or to have been convicted of certain serious crimes.
4. To the legislature biennially on the state emergency medical services plan.
5. To the legislature annually on the success of the statewide immunization program to eliminate certain diseases and protect against tetanus.
6. To the legislature annually on the percentage of deliveries in this state that are performed in hospitals with newborn hearing screening programs.
7. To the governor and the legislature annually on grants awarded under the Statewide Tobacco Use Control Program, including donations and grants accepted by DHFS.

This bill eliminates these reporting requirements.

MENTAL ILLNESS, ALCOHOLISM, AND DEVELOPMENTAL DISABILITIES

Currently, DHFS must annually report to the legislature on progress toward full implementation of the program of early intervention services for children and families (known as the "Birth to Three Program"). DHFS also must annually report to the governor or the state health planning and development agency on the DHFS activities relating to treatment of alcoholism. This bill eliminates these reporting requirements.

OTHER HEALTH AND HUMAN SERVICES

Under current law, the Council on Physical Disabilities must advise the secretary of health and family services and make recommendations to various state officers on physically disabled persons and must biennially report to the legislature concerning time limitations imposed by city ordinances on parking spaces reserved for physically disabled persons. This bill eliminates these requirements.

Currently, DHFS must annually report to the governor, the superintendent of public instruction, and the legislature on a plan that documents hunger in this state and recommends strategies to address this issue. This bill eliminates this reporting requirement.

NOTE
Sec change

X

X

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

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

1 **SECTION 1.** 46.03 (18) (a) of the statutes is amended to read:

2 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of
3 health and family services shall establish a uniform system of fees for services
4 provided or purchased by the department of health and family services, or a county
5 department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided
6 under subch. III of ch. 49; services relating to adoption; services provided to courts;
7 outreach, information and referral services; or where, as determined by the
8 department of health and family services, a fee is administratively unfeasible or
9 would significantly prevent accomplishing the purpose of the service. A county
10 department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it
11 collects under this program to cover the cost of such services. ~~The department of
12 health and family services shall report to the joint committee on finance no later than
13 March 1 of each year on the number of children placed for adoption by the
14 department of health and family services during the previous year and the costs to
15 the state for services relating to such adoptions.~~

History: 1971 c. 270 s. 104; 1973 c. 90; 1973 c. 284 ss. 2, 32; 1973 c. 333; 1975 c. 39, 82; 1975 c. 189 s. 99 (1), (2); 1975 c. 224, 377, 413, 422; 1977 c. 29, 193; 1977 c. 196 s. 131; 1977 c. 203, 205, 271, 354; 1977 c. 418 ss. 287 to 289m, 924 (18) (d); 1977 c. 447, 449; 1979 c. 32 s. 92 (1); 1979 c. 34; 1979 c. 175 s. 46; 1979 c. 221, 331, 352; 1981 c. 20, 81; 1981 c. 314 s. 144; 1981 c. 390; 1983 a. 27, 193; 1983 a. 435 s. 7; 1983 a. 447, 474; 1983 a. 532 s. 36; 1985 a. 19, 29, 120, 176, 234, 285, 328, 331; 1985 a. 332 s. 251 (3); 1987 a. 3, 5, 27, 161, 186, 307, 339, 385, 399, 403, 413; 1989 a. 31 ss. 938m to 951, 2909g, 2909i; 1989 a. 56, 105, 107, 122; 1991 a. 39, 277; 1993 a. 16 ss. 851 to 859, 3072d; 1993 a. 98, 377, 385, 446, 481; 1995 a. 27 ss. 2026m to 2038b, 9126 (19); 1995 a. 77, 201, 225, 352, 370, 404, 448; 1997 a. 3, 27, 111, 283, 292; 1999 a. 9, 83; 2001 a. 16, 59, 61, 109; 2003 a. 33; 2005 a. 25, 293, 406; 2005 a. 443 s. 267.

16 **SECTION 2.** 46.275 (5m) of the statutes is repealed.

17 **SECTION 3.** 46.29 (1) (c) of the statutes is repealed.

18 **SECTION 4.** 46.29 (1) (fm) of the statutes is repealed.

19 **SECTION 5.** 46.76 (4) of the statutes is repealed.

1 SECTION 6. 46.76 (5) of the statutes is repealed.

2 SECTION 7. 49.665 (6) of the statutes is repealed.

3 SECTION 8. 49.688 (8) of the statutes is amended to read:

4 49.688 (8) The department shall, under methods promulgated by the
5 department by rule, monitor compliance by pharmacies and pharmacists that are
6 certified providers of medical assistance with the requirements of sub. (5) and shall
7 annually report to the legislature under s. 13.172 (2) concerning the compliance. The
8 report shall include information on any pharmacies or pharmacists that discontinue
9 participation as certified providers of medical assistance and the reasons given for
10 the discontinuance.

History: 2001 a. 16, 109; 2003 a. 33.

11 SECTION 9. 50.02 (4) of the statutes is repealed.

12 SECTION 10. 50.04 (5) (fr) of the statutes is repealed.

13 SECTION 11. 50.065 (5d) (a) 4. of the statutes is amended to read:

14 50.065 (5d) (a) 4. The manner in which the tribe will submit information
15 relating to a rehabilitation review to the department so that the department may
16 include that information in its report to the legislature required under sub. (5g).

History: 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; s. 13.93 (2) (c).

17 SECTION 12. 50.065 (5g) of the statutes is repealed.

18 SECTION 13. 51.44 (5) (c) of the statutes is repealed.

19 SECTION 14. 51.45 (4) (p) of the statutes is repealed.

20 SECTION 15. 146.53 (2) (c) of the statutes is repealed.

21 SECTION 16. 252.04 (11) of the statutes is repealed.

22 SECTION 17. 253.115 of the statutes is repealed.

23 SECTION 18. 253.12 (4) (d) of the statutes is repealed.

24 SECTION 19. 255.15 (4) of the statutes is repealed.

1 **SECTION 20.** 255.15 (5) of the statutes is amended to read:

2 255.15 (5) FUNDS. The department may accept for any of the purposes under
3 this section any donations and grants of money, equipment, supplies, materials and
4 services from any person. The department shall include in the report under sub. (4)
5 ~~any donation or grant accepted by the department under this subsection, including~~
6 ~~the nature, amount and conditions, if any, of the donation or grant and the identity~~
7 ~~of the donor.~~

8 History: 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25.

8 **SECTION 21.** 346.50 (3m) (b) 5. of the statutes is amended to read:

9 346.50 (3m) (b) 5. The ordinance shall require the city to submit a report by
10 December 31 of each odd-numbered year to the council on physical disabilities under
11 ~~s. 46.29 (1) (fm)~~ on implementation and administration of the ordinance, including
12 an evaluation of the effectiveness of time limitations imposed by the ordinance. With
13 respect to spaces reserved by the city for use by a motor vehicle used by a physically
14 disabled person upon any portion of a street, highway or parking facility, the report
15 shall include the total number of spaces; the total number of spaces in a parking
16 facility and the number of those spaces that are subject to a time limitation, and the
17 duration of any such limitation; and the total number of spaces upon a street or
18 highway and the number of those spaces that are subject to a time limitation, and
19 the duration of any such limitation.

20 History: 1977 c. 29, 418; 1979 c. 55, 276, 288; 1981 c. 119; 1981 c. 255 ss. 5, 6, 13; 1983 a. 53 s. 114; 1983 a. 227; 1985 a. 87; 1989 a. 304; 1991 a. 239; 1993 a. 256, 496;
1995 a. 422; 1997 a. 92; 2001 a. 103.

(END)

D-NOTE

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

LRB-0242/dn

DAK:...

gf

Date

To Sue Jablonsky and Fredi-Ellen Bove:

1. In connection with the repeal of s. 46.29 (1) (c) and (fm), stats., I have amended s. 346.50 (3m) (b) 5., stats., which requires a city ordinance to require the city to submit a report biennially to the council on physical disabilities on parking spaces reserved for use by motor vehicles used by physically disabled persons. Is that what you want, or did you want this provision repealed, as well?

2. Although the DHFS proposal requested repeal of all of s. 146.53 (2), stats., I have repealed only s. 146.53 (2) (c), stats., which requires submittal of a report to the legislature. The DHFS comments on the proposal indicate that DHFS intends to continue preparing the plan annually. Is this drafting decision what you want? (Note that, if all of s. 146.53 (2), stats., is repealed, s. 146.53 (5) (b), stats., is meaningless and should also be repealed.)

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0242/1dn
DAK:kjf:jf

September 28, 2006

To Sue Jablonsky and Fredi-Ellen Bove:

1. In connection with the repeal of s. 46.29 (1) (c) and (fm), stats., I have amended s. 346.50 (3m) (b) 5., stats., which requires a city ordinance to require the city to submit a report biennially to the council on physical disabilities on parking spaces reserved for use by motor vehicles used by physically disabled persons. Is that what you want, or did you want this provision repealed, as well?
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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

Kennedy, Debora

From: Bove, Fredi-Ellen
Sent: Friday, October 06, 2006 5:33 PM
To: Jablonsky, Sue; Kennedy, Debora
Cc: Forsaith, Andrew
Subject: LRB Draft 0242/1dn: Eliminate Mandated Reports

DHFS staff have reviewed and concur with LRB Draft 0242/1dn as drafted. In response to your note, we concur with your draft for sections s.346.50(3m)(b)5 and s.146.53(2)(c).

Thank you for the opportunity to review the draft and for your work on this request.

Kennedy, Debora

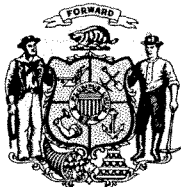
From: Bove, Fredi-Ellen E - DHFS
Sent: Tuesday, January 16, 2007 5:26 PM
To: Jablonsky, Sue
Cc: Kennedy, Debora; Forsaith, Andrew C - DHFS
Subject: Fwd: LRB Draft 0242/1dn: Eliminate Mandated Reports

Sue--In response to your voice mail today, I am resending my Oct. 6 e-mail below which responded that DHFS concurred with LRB 2042/1dn as drafted and concurred with the drafters' approach in notes 1 and 2.

>>> Fredi-Ellen Bove 10/06/06 5:33 PM >>>

DHFS staff have reviewed and concur with LRB Draft 0242/1dn as drafted. In response to your note, we concur with your draft for sections s.346.50(3m)(b)5 and s.146.53(2)(c).

Thank you for the opportunity to review the draft and for your work on this request.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0242/1
DAK:kjf:jf

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13 relating to a rehabilitation review to the department so that the department may
14 include that information in its report to the legislature required under sub. (5g).

15 **SECTION 12.** 50.065 (5g) of the statutes is repealed.

16 **SECTION 13.** 51.44 (5) (c) of the statutes is repealed.

17 **SECTION 14.** 51.45 (4) (p) of the statutes is repealed.

18 **SECTION 15.** 146.53 (2) (c) of the statutes is repealed.

19 **SECTION 16.** 252.04 (11) of the statutes is repealed.

20 **SECTION 17.** 253.115 of the statutes is repealed.

21 **SECTION 18.** 253.12 (4) (d) of the statutes is repealed.

22 **SECTION 19.** 255.15 (4) of the statutes is repealed.

23 **SECTION 20.** 255.15 (5) of the statutes is amended to read:

24 255.15 (5) FUNDS. The department may accept for any of the purposes under
25 this section any donations and grants of money, equipment, supplies, materials and

1 services from any person. ~~The department shall include in the report under sub. (4)~~
2 ~~any donation or grant accepted by the department under this subsection, including~~
3 ~~the nature, amount and conditions, if any, of the donation or grant and the identity~~
4 ~~of the donor.~~

5 **SECTION 21.** 346.50 (3m) (b) 5. of the statutes is amended to read:

6 346.50 (3m) (b) 5. The ordinance shall require the city to submit a report by
7 December 31 of each odd-numbered year to the council on physical disabilities ~~under~~
8 ~~s. 46.29 (1) (fm)~~ on implementation and administration of the ordinance, including
9 an evaluation of the effectiveness of time limitations imposed by the ordinance. With
10 respect to spaces reserved by the city for use by a motor vehicle used by a physically
11 disabled person upon any portion of a street, highway or parking facility, the report
12 shall include the total number of spaces; the total number of spaces in a parking
13 facility and the number of those spaces that are subject to a time limitation, and the
14 duration of any such limitation; and the total number of spaces upon a street or
15 highway and the number of those spaces that are subject to a time limitation, and
16 the duration of any such limitation.

17 (END)