

1 *-1313/3.17* SECTION 1656. 49.79 (1) (e) of the statutes is repealed.

2 *-1313/3.18* SECTION 1657. 49.79 (1) (g) of the statutes is created to read:

3 49.79 (1) (g) "Wisconsin Works employment position" has the meaning given
4 in s. 49.141 (1) (r).

5 *-1313/3.19* SECTION 1658. 49.79 (2) (a) of the statutes is repealed.

6 *-1313/3.20* SECTION 1659. 49.79 (2) (b) of the statutes is renumbered 49.79
7 (2).

8 *-1313/4.21*SECTION 1660. 49.79 (9) (a) 2. of the statutes, as affected by 2007
9 Wisconsin Act (this act), is amended to read:

10 49.79 (9) (a) 2. The department may not require an individual who is a recipient
11 under the food stamp program and who is the caretaker of a child under the age of
12 26 weeks to participate in any employment and training program under this
13 subsection.

****NOTE: This is reconciled s. 49.79 (9) (a) 2. This SECTION has been affected by
drafts with the following LRB numbers: -0484 and -1313.

14 *-1313/3.21* SECTION 1661. 49.79 (10) of the statutes is repealed.

15 *-1261/5.589* *-1267/P1.133* SECTION 1662. 49.81 (intro.) of the statutes is
16 amended to read:

17 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
18 of health and family services, the department of workforce development children and
19 families, and all public assistance and relief-granting agencies shall respect rights
20 for recipients of public assistance. The rights shall include all rights guaranteed by
21 the U.S. constitution and the constitution of this state, and in addition shall include:

22 *-0905/3.70* SECTION 1663. 49.81 (4) of the statutes is amended to read:

1 49.81 (4) The right to a speedy determination of the recipient's status or
2 eligibility for public assistance, to notice of any proposed change in such status or
3 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 or,
4 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

5 ~~*-1261/5.590*~~ ~~*-1267/P1.134*~~ SECTION 1664. 49.82 (1) of the statutes is
6 amended to read:

7 49.82 (1) DEPARTMENTS TO ADVISE COUNTIES. The department of health and
8 family services and the department of workforce development children and families
9 shall advise all county officers charged with the administration of requirements
10 relating to public assistance programs under this chapter and shall render all
11 possible assistance in securing compliance therewith, including the preparation of
12 necessary forms and reports. The department of health and family services and the
13 department of workforce development children and families shall also publish any
14 information that those departments consider advisable to acquaint persons entitled
15 to public assistance, and the public generally, with the laws governing public
16 assistance under this chapter.

17 ~~*-1311/1.1*~~ SECTION 1665. 49.82 (2) of the statutes is renumbered 49.82 (2) (a)
18 and amended to read:

19 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
20 person included in an application for public assistance under this chapter, ~~except for~~
21 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
22 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
23 ~~Care health care program under s. 49.665 (4) (ap),~~ proof shall be provided of his or
24 her social security number or that an application for a social security number has
25 been made.

SECTION 1666

1 ***-1311/1.2* SECTION 1666.** 49.82 (2) (b) of the statutes is created to read:

2 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

3 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
4 of 42 USC 1396a (e) (4).

5 2. An unborn child who is eligible for coverage under the Badger Care health
6 care program under s. 49.665 (4) (ap).

7 3. A person who is applying for medical assistance under subch. IV, coverage
8 under the Badger Care health care program under s. 49.665, or coverage under the
9 program for prescription drug assistance for elderly persons under s. 49.688 and who
10 refuses to obtain a social security number because of well-established religious
11 objections, as defined in 42 CFR 435.910 (h) (2).

12 ***-0905/3.71* SECTION 1667.** 49.82 (2) (b) 1. of the statutes, as created by 2007
13 Wisconsin Act (this act), is amended to read:

14 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
15 49.47, or 49.471 because of 42 USC 1396a (e) (4).

****NOTE: This is reconciled s. 49.82 (2) (b) 1. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

16 ***-0905/3.72* SECTION 1668.** 49.82 (2) (b) 2. of the statutes, as created by 2007
17 Wisconsin Act (this act), is amended to read:

18 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
19 the Badger Care health care program under s. 49.665 (4) (ap).

****NOTE: This is reconciled s. 49.82 (2) (b) 2. This SECTION has been affected by
drafts with the following LRB numbers: LRB-0905 and LRB-1311.

20 ***-1261/5.591* *-1267/P1.135* SECTION 1669.** 49.83 of the statutes is
21 amended to read:

1 **49.83 Limitation on giving information.** Except as provided under s. 49.32
2 (9), (10), and (10m), no person may use or disclose information concerning applicants
3 and recipients of relief funded by a relief block grant, aid to families with dependent
4 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
5 spousal support and establishment of paternity and medical support liability
6 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
7 connected with the administration of the programs, except that the department of
8 workforce development children and families may disclose such information to the
9 department of revenue for the sole purpose of administering state taxes. Any person
10 violating this section may be fined not less than \$25 nor more than \$500 or
11 imprisoned in the county jail not less than 10 days nor more than one year or both.

12 ***-0265/3.1* SECTION 1670.** 49.84 (6) of the statutes is created to read:

13 49.84 (6) (a) In this subsection, "department" means the department of health
14 and family services.

15 (b) 1. Notwithstanding any other eligibility requirements for the programs
16 specified in par. (c), unless excepted by par. (c) an applicant for or recipient under any
17 of those programs who declares himself or herself to be a citizen or national of the
18 United States shall provide, as a further condition of eligibility, satisfactory
19 documentary evidence, as provided in par. (d), that he or she is a citizen or national
20 of the United States.

21 2. An applicant shall provide the documentation at the time of application. If
22 a recipient was not required to provide documentation at the time he or she applied,
23 the recipient shall provide the documentation the first time his or her eligibility is
24 reviewed or redetermined after the effective date of this subdivision [revisor
25 inserts date]. An applicant or recipient shall be granted a reasonable time, as

1 determined by the department, to submit the documentation before his or her
2 eligibility is denied or terminated.

3 (c) The requirement to provide satisfactory documentary evidence under par.

4 (b) applies to applicants for and recipients under all of the following:

5 1. The Medical Assistance program under subch. IV, except for any of the
6 following:

7 a. An applicant or recipient who is entitled to benefits under or enrolled in any
8 part of Medicare under 42 USC 1395 et seq., as amended.

9 b. An applicant or recipient who is receiving supplemental security income
10 under 42 USC 1381 to 1383c.

11 c. A person who is eligible for medical assistance under s. 49.45 (27).

12 d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13. or 49.47
13 (4) (am) 3.

14 e. A pregnant woman who is receiving medical assistance under s. 49.465.

15 2. The Badger Care health care program under s. 49.665, except for an unborn
16 child under s. 49.665 (4) (ap).

17 3. The part of the prescription drug assistance for elderly persons program
18 under s. 49.688 that is supported by a Medical Assistance waiver under 42 USC 1315
19 (a), as authorized under s. 49.688 (11).

20 (d) Satisfactory documentary evidence that an applicant or a recipient is a
21 citizen or national of the United States consists of the documents or other forms of
22 evidence specified in 42 CFR 435.407.

23 *-0905/3.73* SECTION 1671. 49.84 (6) (c) 1. d. of the statutes, as created by 2007
24 Wisconsin Act (this act), is amended to read:

1 49.84 (6) (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
2 (a) 13. ~~or~~, 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or (b) 2. or an unborn child receiving
3 prenatal care under s. 49.471.

****NOTE: This is reconciled s. 49.84 (6) (c) 1. d. This SECTION has been affected by
drafts with the following LRB numbers: -0265 and -0905.

4 ***-0905/3.74* SECTION 1672.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007
5 Wisconsin Act (this act), is amended to read:

6 49.84 (6) (a) 1. e. A pregnant woman who is receiving medical assistance under
7 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
8 49.471 (5) (b) 1. or 2.

****NOTE: This is reconciled s. 49.84 (6) (c) 1. e. This SECTION has been affected by
drafts with the following LRB numbers: -0265 and -0905.

9 ***-1261/5.592* *-1267/P1.136* SECTION 1673.** 49.845 (1) of the statutes is
10 amended to read:

11 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
12 (bn), (kz), (L), and (nn), the department of health and family services shall establish
13 a program to investigate suspected fraudulent activity on the part of recipients of
14 medical assistance under subch. IV, food stamp benefits under the food stamp
15 program under 7 USC 2011 to 2036, supplemental security income payments under
16 s. 49.77, payments for the support of children of supplemental security income
17 recipients under s. 49.775, and health care benefits under the Badger Care health
18 care program under s. 49.665 and, if the department of ~~workforce development~~
19 children and families contracts with the department of health and family services
20 under sub. (4), on the part of recipients of aid to families with dependent children
21 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
22 49.161. The activities of the department of health and family services under this

1 subsection may include comparisons of information provided to the department by
2 an applicant and information provided by the applicant to other federal, state, and
3 local agencies, development of an advisory welfare investigation prosecution
4 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
5 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
6 department of health and family services shall cooperate with district attorneys
7 regarding fraud prosecutions.

8 ***-1261/5.593* *-1267/P1.137* SECTION 1674.** 49.845 (2) of the statutes is
9 amended to read:

10 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
11 family services shall conduct activities to reduce payment errors in the Medical
12 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
13 2036, the supplemental security income payments program under s. 49.77, the
14 program providing payments for the support of children of supplemental security
15 income recipients under s. 49.775, and the Badger Care health care program under
16 s. 49.665 and, if the department of ~~workforce development~~ children and families
17 contracts with the department of health and family services under sub. (4), in
18 Wisconsin Works under ss. 49.141 to 49.161.

19 ***-1261/5.594* *-1267/P1.138* SECTION 1675.** 49.845 (3) of the statutes is
20 amended to read:

21 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
22 ~~workforce development~~ children and families contracts with the department of
23 health and family services under sub. (4), the department of health and family
24 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to

1 Wisconsin Works agencies to offset the administrative costs of reducing payment
2 errors in Wisconsin Works under ss. 49.141 to 49.161.

3 ***-1261/5.595* *-1267/P1.139* SECTION 1676.** 49.845 (4) of the statutes is
4 amended to read:

5 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
6 and (3), the department of ~~workforce development~~ children and families may
7 contract with the department of health and family services to investigate suspected
8 fraudulent activity on the part of recipients of aid to families with dependent
9 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
10 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
11 ss. 49.141 to 49.161, as provided in this section.

12 ***-1261/5.596* *-1267/P1.140* SECTION 1677.** 49.85 (1) of the statutes is
13 amended to read:

14 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
15 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
16 Indian tribe or band determines that the department of health and family services
17 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
18 of ~~workforce development~~ children and families may recover an amount under s.
19 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
20 department or governing body shall notify the affected department of the
21 determination. If a Wisconsin Works agency determines that the department of
22 ~~workforce development~~ children and families may recover an amount under s. 49.161
23 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
24 agency shall notify the department of ~~workforce development~~ children and families
25 of the determination.

SECTION 1678

1 *-1261/5.597* *-1267/P1.141* SECTION 1678. 49.85 (2) (b) of the statutes is
2 amended to read:

3 49.85 (2) (b) At least annually, the department of workforce development
4 children and families shall certify to the department of revenue the amounts that,
5 based on the notifications received under sub. (1) and on other information received
6 by the department of workforce development children and families, the department
7 of workforce development children and families has determined that it may recover
8 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the
9 department of workforce development children and families may not certify an
10 amount under this subsection unless it has met the notice requirements under sub.
11 (3) and unless its determination has either not been appealed or is no longer under
12 appeal.

13 *-1261/5.598* *-1267/P1.142* SECTION 1679. 49.85 (3) (b) (intro.) of the
14 statutes is amended to read:

15 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
16 department of workforce development children and families shall send a notice to the
17 last-known address of the person from whom that department intends to recover or
18 collect the amount. The notice shall do all of the following:

19 *-1261/5.599* *-1267/P1.143* SECTION 1680. 49.85 (3) (b) 1. of the statutes
20 is amended to read:

21 49.85 (3) (b) 1. Inform the person that the department of workforce
22 development children and families intends to certify to the department of revenue
23 an amount that the department of workforce development children and families has
24 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a

1 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
2 refund that may be due the person.

3 ***-1261/5.600* *-1267/P1.144* SECTION 1681.** 49.85 (3) (b) 2. of the statutes
4 is amended to read:

5 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
6 of the department of workforce development children and families to certify the
7 amount by requesting a hearing under sub. (4) within 30 days after the date of the
8 letter and inform the person of the manner in which he or she may request a hearing.

9 ***-1261/5.601* *-1267/P1.145* SECTION 1682.** 49.85 (3) (b) 3. of the statutes
10 is amended to read:

11 49.85 (3) (b) 3. Inform the person that, if the determination of the department
12 of workforce development children and families is appealed, that department will
13 not certify the amount to the department of revenue while the determination of the
14 department of workforce development children and families is under appeal.

15 ***-1261/5.602* *-1267/P1.146* SECTION 1683.** 49.85 (3) (b) 4. of the statutes
16 is amended to read:

17 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
18 requested to appeal the determination of the department of workforce development
19 children and families, the person may be precluded from challenging any subsequent
20 setoff of the certified amount by the department of revenue, except on the grounds
21 that the certified amount has been partially or fully paid or otherwise discharged,
22 since the date of the notice.

23 ***-1261/5.603* *-1267/P1.147* SECTION 1684.** 49.85 (3) (b) 5. of the statutes
24 is amended to read:

1 49.85 (3) (b) 5. Request that the person inform the department of workforce
2 development children and families if a bankruptcy stay is in effect with respect to the
3 person or if the claim has been discharged in bankruptcy.

4 ***-1261/5.604* *-1267/P1.148* SECTION 1685.** 49.85 (4) (b) of the statutes is
5 amended to read:

6 49.85 (4) (b) If a person has requested a hearing under this subsection, the
7 department of workforce development children and families shall hold a contested
8 case hearing under s. 227.44, except that the department of workforce development
9 children and families may limit the scope of the hearing to exclude issues that were
10 presented at a prior hearing or that could have been presented at a prior opportunity
11 for hearing.

12 ***-1261/5.605* *-1267/P1.149* SECTION 1686.** 49.85 (5) of the statutes is
13 amended to read:

14 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
15 of revenue shall constitute a lien, equal to the amount certified, on any state tax
16 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
17 of revenue as a setoff under s. 71.93. Certification of an amount under this section
18 does not prohibit the department of health and family services or the department of
19 workforce development children and families from attempting to recover or collect
20 the amount through other legal means. The department of health and family
21 services or the department of workforce development children and families shall
22 promptly notify the department of revenue upon recovery or collection of any amount
23 previously certified under this section.

24 ***-1261/5.606* *-1267/P1.150* SECTION 1687.** 49.852 (1) of the statutes is
25 renumbered 49.852 (1m) and amended to read:

1 49.852 (1m) The department of ~~workforce development~~ may direct the
2 department of employee trust funds, the retirement system of any 1st class city, any
3 retirement system established under chapter 201, laws of 1937, or the administrator
4 of any other pension plan to withhold the amount specified in the statewide support
5 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
6 that may be paid a delinquent support obligor, except that the department of
7 ~~workforce development~~ may not direct that an amount be withheld under this
8 subsection unless it has met the notice requirements under sub. (2) and unless the
9 amount specified has either not been appealed or is no longer under appeal under s.
10 49.854.

11 *-1261/5.607* *-1267/P1.151* SECTION 1688. 49.852 (1c) of the statutes is
12 created to read:

13 49.852 (1c) In this section, "department" means the department of children
14 and families.

15 *-1261/5.608* *-1267/P1.152* SECTION 1689. 49.852 (2) (intro.) of the
16 statutes is amended to read:

17 49.852 (2) (intro.) The department of ~~workforce development~~ shall send a
18 notice to the last-known address of the person from whom the department intends
19 to recover the amount specified in the statewide support lien docket under s. 49.854
20 (2) (b). The notice shall do all of the following:

21 *-1261/5.609* *-1267/P1.153* SECTION 1690. 49.852 (2) (c) of the statutes is
22 amended to read:

23 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
24 development or the appropriate county child support agency under s. 59.53 (5) if a
25 bankruptcy stay is in effect with respect to the person.

SECTION 1691

1 *-1261/5.610* *-1267/P1.154* SECTION 1691. 49.852 (3) of the statutes is
2 amended to read:

3 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
4 hearing shall be conducted before the circuit court that rendered the initial order to
5 pay support. The court shall schedule a hearing within 10 business days after
6 receiving a request for a hearing. A circuit court commissioner may conduct the
7 hearing. If the court determines that the person owes the amount specified in the
8 statewide support lien docket under s. 49.854 (2) (b), the department of workforce
9 development may direct the department of employee trust funds, the retirement
10 system of any 1st class city, any retirement system established under chapter 201,
11 laws of 1937, or the administrator of any other pension plan, whichever is
12 appropriate, to withhold the amount from any lump sum payment from a pension
13 plan that may be paid the person. If the court determines that the person does not
14 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
15 the department of workforce development may not direct the department of
16 employee trust funds, the retirement system of any 1st class city, any retirement
17 system established under chapter 201, laws of 1937, or the administrator of any
18 other pension plan, whichever is appropriate, to withhold the amount from any lump
19 sum payment from a pension plan that may be paid the person.

20 *-1261/5.611* *-1267/P1.155* SECTION 1692. 49.852 (4) (a) of the statutes is
21 amended to read:

22 49.852 (4) (a) If the department of workforce development directs the
23 department of employee trust funds, the retirement system of any 1st class city, any
24 retirement system established under chapter 201, laws of 1937, or the administrator
25 of any other pension plan to withhold the amount specified in the statewide support

1 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
2 amount specified in the statewide support lien docket, on any lump sum payment
3 from a pension plan that may be paid the person.

4 ***-1261/5.612*** ***-1267/P1.156*** SECTION 1693. 49.852 (4) (b) of the statutes is
5 amended to read:

6 49.852 (4) (b) If the department of ~~workforce development~~ directs the
7 department of employee trust funds, the retirement system of any 1st class city, any
8 retirement system established under chapter 201, laws of 1937, or the administrator
9 of any other pension plan to withhold the amount specified in the statewide support
10 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
11 retirement system of any 1st class city, any retirement system established under
12 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct
13 from any lump sum payment that may be paid the person the amount specified in
14 the statewide support lien docket, less any amount specified under par. (d). If the
15 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
16 amount specified under par. (d), exceeds the lump sum payment, the department of
17 employee trust funds, the retirement system of any 1st class city, any retirement
18 system established under chapter 201, laws of 1937, or the administrator of any
19 other pension plan shall deduct the entire lump sum payment, less any withholdings
20 otherwise required by law. The amount deducted under this paragraph shall be
21 remitted to the department of ~~workforce development~~.

22 ***-1261/5.613*** ***-1267/P1.157*** SECTION 1694. 49.852 (4) (c) of the statutes is
23 amended to read:

24 49.852 (4) (c) A directive to the department of employee trust funds, the
25 retirement system of any 1st class city, any retirement system established under

SECTION 1694

1 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold
2 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
3 under this section does not prohibit the department of workforce development from
4 attempting to recover the amount through other legal means.

5 ***-1261/5.614* *-1267/P1.158* SECTION 1695.** 49.852 (4) (d) of the statutes is
6 amended to read:

7 49.852 (4) (d) The department of workforce development shall promptly notify
8 the department of employee trust funds, the retirement system of any 1st class city,
9 any retirement system established under chapter 201, laws of 1937, or the
10 administrator of any other pension plan upon recovery of any amount previously
11 specified in the statewide support lien docket under s. 49.854 (2) (b).

12 ***-1261/5.615* *-1267/P1.159* SECTION 1696.** 49.853 (1) (b) of the statutes is
13 amended to read:

14 49.853 (1) (b) "Department" means the department of workforce development
15 children and families.

16 ***-1261/5.616* *-1267/P1.160* SECTION 1697.** 49.854 (1) (a) of the statutes is
17 amended to read:

18 49.854 (1) (a) "Department" means the department of workforce development
19 children and families.

20 ***-0485/2.1* SECTION 1698.** 49.854 (5) (a) 3. of the statutes is created to read:

21 49.854 (5) (a) 3. "Lien" means a lien under this section or a lien in favor of
22 another state based on a support obligation, including a lien placed under s. 769.305
23 (2) (g).

24 ***-0485/2.2* SECTION 1699.** 49.854 (5) (b) of the statutes is amended to read:

1 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien under this
2 section by levying against an account at a financial institution, the department shall
3 send a notice of levy to the financial institution instructing the financial institution
4 to prohibit the closing of or withdrawals from one or more accounts that the obligor
5 owns in whole or in part, up to a total amount that is sufficient to pay the support
6 owed, financial institution fees under par. (e), and estimated levy fees and costs
7 under sub. (11), until further notice from the department or a court. The financial
8 institution shall comply with the notice of levy and shall hold the amount specified
9 in the notice until the financial institution receives further instructions from the
10 department or a court.

11 ***-0485/2.3*** SECTION 1700. 49.854 (5) (c) of the statutes is created to read:

12 49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a lien
13 under par. (b) is in favor of another state, the notice sent by the department to the
14 financial institution may consist of the request from the other state to enforce the
15 lien, a certification by the department that any necessary due process requirements
16 were met in the other state, a request that the financial institution honor the request
17 from the other state by sending the amount specified in the request directly to the
18 other state, and the address to which the financial institution shall send the funds.
19 Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor
20 of another state.

21 ***-0485/2.4*** SECTION 1701. 49.854 (5) (e) of the statutes is amended to read:

22 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
23 to collect fees, under the terms of the account agreement, on accounts frozen under
24 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
25 institution may collect any early withdrawal penalty incurred under the terms of an

1 account as a result of the levy. Financial institution fees authorized under this
2 paragraph may be charged to the account immediately prior to the remittance of the
3 amount to the department or the other state and may be charged even if the amounts
4 in the obligor's accounts are insufficient to pay the total amount of support owed and
5 the department's levy costs under sub. (11) (b).

6 ***-1261/5.617* *-1267/P1.161* SECTION 1702.** 49.854 (11) (b) of the statutes
7 is amended to read:

8 49.854 (11) (b) *The department.* The department may assess a collection fee
9 to recover the department's costs incurred in levying against property under this
10 section. The department shall determine its costs to be paid in all cases of levy. The
11 obligor is liable to the department for the amount of the collection fee authorized
12 under this paragraph. Fees collected under this paragraph shall be credited to the
13 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

14 ***-1261/5.618* *-1267/P1.162* SECTION 1703.** 49.855 (1) of the statutes is
15 amended to read:

16 49.855 (1) If a person obligated to pay child support, family support,
17 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
18 delinquent in making any of those payments, or owes an outstanding amount that
19 has been ordered by the court for past support, medical expenses, or birth expenses,
20 upon application under s. 59.53 (5) the department of ~~workforce development~~
21 children and families shall certify the delinquent payment or outstanding amount
22 to the department of revenue and, at least annually, shall provide to the department
23 of revenue any certifications of delinquencies or outstanding amounts that it receives
24 from another state because the obligor resides in this state.

1 ***-1261/5.619*** ***-1261/P3.494*** **SECTION 1704.** 49.855 (2r) of the statutes is
2 created to read:

3 49.855 (2r) At least annually, the department of children and families shall
4 certify to the department of revenue any obligation owed to that department under
5 s. 49.345 if the obligation is rendered to a judgment.

6 ***-1261/5.620*** ***-1261/P3.495*** **SECTION 1705.** 49.855 (3) of the statutes is
7 amended to read:

8 49.855 (3) Receipt of a certification by the department of revenue shall
9 constitute a lien, equal to the amount certified, on any state tax refunds or credits
10 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
11 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
12 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
13 obligor that the state intends to reduce any state tax refund or credit due the obligor
14 by the amount the obligor is delinquent under the support, maintenance, or receiving
15 and disbursing fee order or obligation, by the outstanding amount for past support,
16 medical expenses, or birth expenses under the court order, or by the amount due
17 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
18 days the obligor may request a hearing before the circuit court rendering the order
19 under which the obligation arose. Within 10 days after receiving a request for
20 hearing under this subsection, the court shall set the matter for hearing. Pending
21 further order by the court or a circuit court commissioner, the department of
22 ~~workforce development~~ children and families or its designee, whichever is
23 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
24 A circuit court commissioner may conduct the hearing. The sole issues at that
25 hearing shall be whether the obligor owes the amount certified and, if not and it is

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1 a support or maintenance order, whether the money withheld from a tax refund or
2 credit shall be paid to the obligor or held for future support or maintenance, except
3 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
4 relates to an order under ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
5 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
6 the obligor's income was at or below the poverty line established under 42 USC 9902
7 (2).

8 ~~*-1261/5.621* *-1267/P1.164*~~ SECTION 1706. 49.855 (4) (a) of the statutes is
9 amended to read:

10 49.855 (4) (a) The department of revenue shall send the portion of any state tax
11 refunds or credits withheld for delinquent child or family support or maintenance or
12 past support, medical expenses, or birth expenses to the department of ~~workforce~~
13 ~~development~~ children and families or its designee for deposit in the support
14 collections trust fund under s. 25.68 and shall send the portion of any state tax
15 refunds or credits withheld for delinquent receiving and disbursing fees to the
16 department of ~~workforce development~~ children and families or its designee for
17 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
18 department of ~~workforce development~~ children and families shall make a settlement
19 at least annually with the department of revenue. The settlement shall state the
20 amounts certified, the amounts deducted from tax refunds and credits, and the
21 administrative costs incurred by the department of revenue.

22 ~~*-1261/5.622* *-1267/P1.165*~~ SECTION 1707. 49.855 (4) (b) of the statutes is
23 amended to read:

24 49.855 (4) (b) The department of administration shall send the portion of any
25 federal tax refunds or credits received from the internal revenue service that was

1 withheld for delinquent child or family support or maintenance or past support,
2 medical expenses, or birth expenses to the department of workforce development
3 children and families or its designee for deposit in the support collections trust fund
4 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
5 from the internal revenue service that was withheld for delinquent receiving and
6 disbursing fees to the department of ~~workforce development~~ children and families
7 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
8 (ja).

9 *~~1261/5.623~~* SECTION 1708. 49.855 (4m) (b) of the statutes is amended to
10 read:

11 49.855 (4m) (b) The department of revenue may provide a certification that it
12 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.

13 Upon receipt of the certification, the department of administration shall determine
14 whether the obligor is a vendor or is receiving any other payments from this state,
15 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

16 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
17 determines that the obligor is a vendor or is receiving payments from this state,
18 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

19 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
20 certified from those payments and shall notify the obligor that the state intends to

21 reduce any payments due the obligor by the amount the obligor is delinquent under
22 the support, maintenance, or receiving and disbursing fee order or obligation, by the

23 outstanding amount for past support, medical expenses, or birth expenses under the
24 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The

25 notice shall provide that within 20 days after receipt of the notice the obligor may

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1 request a hearing before the circuit court rendering the order under which the
2 obligation arose. An obligor may, within 20 days after receiving notice, request a
3 hearing under this paragraph. Within 10 days after receiving a request for hearing
4 under this paragraph, the court shall set the matter for hearing. A circuit court
5 commissioner may conduct the hearing. Pending further order by the court or circuit
6 court commissioner, the department of ~~workforce development~~ children and families
7 or its designee, whichever is appropriate, may not disburse the payments withheld
8 from the obligor. The sole issues at the hearing are whether the obligor owes the
9 amount certified and, if not and it is a support or maintenance order, whether the
10 money withheld shall be paid to the obligor or held for future support or
11 maintenance, except that the obligor's ability to pay is also an issue at the hearing
12 if the obligation relates to an order under ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
13 ~~767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies that
14 the court found that the obligor's income was at or below the poverty line established
15 under 42 USC 9902 (2).

16 *~~1261/5.624~~* *~~1267/P1.167~~* SECTION 1709. 49.855 (4m) (c) of the statutes
17 is amended to read:

18 49.855 (4m) (c) Except as provided by order of the court after hearing under
19 par. (b), the department of administration shall continue withholding until the
20 amount certified is recovered in full. The department of administration shall
21 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
22 ~~development~~ children and families or its designee, the department of health and
23 family services, or the department of corrections, whichever is appropriate. The
24 department of ~~workforce development~~ children and families or its designee shall
25 deposit amounts withheld for delinquent child or family support, maintenance, or

1 receiving and disbursing fees or past support, medical expenses, or birth expenses
2 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

3 ~~*-1261/5.625*~~ ~~*-1267/P1.168*~~ SECTION 1710. 49.855 (5) of the statutes is
4 amended to read:

5 49.855 (5) Certification of an obligation to the department of revenue does not
6 deprive any party of the right to collect the obligation or to prosecute the obligor. The
7 department of ~~workforce development~~ children and families or its designee shall
8 immediately notify the department of revenue of any collection of an obligation that
9 has been certified to the department of revenue.

10 ~~*-1261/5.626*~~ ~~*-1267/P1.169*~~ SECTION 1711. 49.856 (1) (b) of the statutes is
11 amended to read:

12 49.856 (1) (b) "Department" means the department of ~~workforce development~~
13 children and families.

14 ~~*-1261/5.627*~~ ~~*-1267/P1.170*~~ SECTION 1712. 49.857 (1) (cf) of the statutes is
15 created to read:

16 49.857 (1) (cf) "Department" means the department of children and families.

17 ~~*-1261/5.628*~~ ~~*-1267/P1.171*~~ SECTION 1713. 49.857 (1) (f) of the statutes is
18 amended to read:

19 49.857 (1) (f) "Subpoena or warrant" means a subpoena or warrant issued by
20 the department of ~~workforce development~~ or a child support agency and relating to
21 paternity or support proceedings.

22 ~~*-1261/5.629*~~ ~~*-1267/P1.172*~~ SECTION 1714. 49.857 (2) (a) of the statutes is
23 amended to read:

24 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
25 system, in accordance with federal law, under which a licensing authority is

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1 requested, and a licensing agency or credentialing board is required, to restrict,
2 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
3 revalidate a license in a timely manner upon certification by and in cooperation with
4 the department of workforce development, if the individual holding or applying for
5 the license is delinquent in making court-ordered payments of support or fails to
6 comply, after appropriate notice, with a subpoena or warrant.

7 ***-1261/5.630* *-1267/P1.173* SECTION 1715.** 49.857 (2) (b) (intro.) of the
8 statutes is amended to read:

9 49.857 (2) (b) (intro.) Under the system, the department of workforce
10 development shall enter into a memorandum of understanding with a licensing
11 authority, if the licensing authority agrees, and with a licensing agency. A
12 memorandum of understanding under this paragraph shall address at least all of the
13 following:

14 ***-1261/5.631* *-1267/P1.174* SECTION 1716.** 49.857 (2) (b) 2. (intro.) of the
15 statutes is amended to read:

16 49.857 (2) (b) 2. (intro.) Procedures that the department of workforce
17 development shall use for doing all of the following:

18 ***-1261/5.632* *-1267/P1.175* SECTION 1717.** 49.857 (2) (b) 2. a. of the
19 statutes is amended to read:

20 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
21 delinquency in support or a failure to comply with a subpoena or warrant. The
22 memorandum of understanding with the department of regulation and licensing
23 shall include procedures for the department of regulation and licensing to notify a
24 credentialing board that a certification of delinquency in support or failure to comply
25 with a subpoena or warrant has been made by the department of workforce

1 development children and families with respect to an individual who holds or applied
2 for a credential granted by the credentialing board.

3 ***-1261/5.633* *-1267/P1.176* SECTION 1718.** 49.857 (2) (b) 3. c. of the statutes
4 is amended to read:

5 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
6 ~~workforce development~~ children and families notifies the licensing authority or
7 licensing agency that an individual who was delinquent in making court-ordered
8 payments of support has paid the delinquent support or made satisfactory
9 alternative payment arrangements or that an individual who failed to comply with
10 a subpoena or warrant has satisfied the requirements under the subpoena or
11 warrant. The memorandum of understanding with the department of regulation
12 and licensing shall include procedures for the department of regulation and licensing
13 to direct a credentialing board to grant or reinstate a credential if the department
14 of ~~workforce development~~ children and families notifies the department of
15 regulation and licensing that an individual who holds or applied for a credential
16 granted by the credentialing board has paid the delinquent support or made
17 satisfactory alternative payment arrangements or that an individual who failed to
18 comply with a subpoena or warrant has satisfied the requirements under the
19 subpoena or warrant.

20 ***-1261/5.634* *-1267/P1.177* SECTION 1719.** 49.857 (2) (b) 5. of the statutes
21 is amended to read:

22 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
23 about an individual, including social security numbers obtained by the department
24 of ~~workforce development~~, the licensing authority, the licensing agency, or a
25 credentialing board.

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1 ***-1261/5.635*** ***-1267/P1.178*** SECTION 1720. 49.857 (3) (a) (intro.) of the
2 statutes is amended to read:

3 49.857 (3) (a) (intro.) Before the department of workforce development certifies
4 to a licensing authority or a licensing agency under the system established under
5 sub. (2) that an individual is delinquent in making court-ordered payments of
6 support, the department of workforce development or a child support agency shall
7 provide notice to the individual by regular mail. The notice shall inform the
8 individual of all of the following:

9 ***-1261/5.636*** ***-1267/P1.179*** SECTION 1721. 49.857 (3) (a) 4. of the statutes
10 is amended to read:

11 49.857 (3) (a) 4. That the certification will not be made if the individual pays
12 the delinquent amount in full or makes satisfactory alternative payment
13 arrangements with the department of workforce development or a child support
14 agency. The notice shall inform the individual of how he or she may pay the
15 delinquent amount or make satisfactory alternative payment arrangements.

16 ***-1261/5.637*** ***-1267/P1.180*** SECTION 1722. 49.857 (3) (ac) 1. of the statutes
17 is amended to read:

18 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
19 the court shall schedule a hearing within 10 business days after receiving the
20 request. A circuit court commissioner may conduct the hearing. The only issues at
21 the hearing shall be whether the individual is delinquent in making court-ordered
22 payments of support and whether any alternative payment arrangement offered by
23 the department of workforce development or the county child support agency is
24 reasonable.

1 ***-1261/5.638*** ***-1267/P1.181*** SECTION 1723. 49.857 (3) (ac) 2. of the statutes
2 is amended to read:

3 49.857 (3) (ac) 2. If at a hearing under subd. 1. the court or circuit court
4 commissioner finds that the individual does not owe delinquent support, or if within
5 20 business days after receiving a notice under par. (a) the individual pays the
6 delinquent amount in full or makes satisfactory alternative payment arrangements,
7 the department of workforce development may not place the individual's name on a
8 certification list.

9 ***-1261/5.639*** ***-1267/P1.182*** SECTION 1724. 49.857 (3) (ac) 3. of the statutes
10 is amended to read:

11 49.857 (3) (ac) 3. If at a hearing under subd. 1. the court or circuit court
12 commissioner makes a written determination that alternative payment
13 arrangements proposed by the department of workforce development or a child
14 support agency are not reasonable, the court or circuit court commissioner may order
15 for the individual an alternative payment arrangement. If the court or circuit court
16 commissioner orders an alternative payment arrangement, the department of
17 workforce development may not place the individual's name on a certification list.

18 ***-1261/5.640*** ***-1267/P1.183*** SECTION 1725. 49.857 (3) (am) (intro.) of the
19 statutes is amended to read:

20 49.857 (3) (am) (intro.) If an individual, after receiving notice under par. (a),
21 does not timely request a hearing or pay the delinquent amount of support or make
22 satisfactory alternative payment arrangements, the department of workforce
23 development shall place the individual's name on a certification list. Thereafter, the
24 department of workforce development or a child support agency shall provide a 2nd

1 notice to the individual by regular mail that informs the individual of all of the
2 following:

3 ***-1261/5.641* *-1267/P1.184* SECTION 1726.** 49.857 (3) (am) 4. of the statutes
4 is amended to read:

5 49.857 (3) (am) 4. That the certification will not be made if the individual pays
6 the delinquent amount in full or makes satisfactory alternative payment
7 arrangements with the department of workforce development or a child support
8 agency. The notice shall inform the individual of how he or she may pay the
9 delinquent amount or make satisfactory alternative payment arrangements.

10 ***-1261/5.642* *-1267/P1.185* SECTION 1727.** 49.857 (3) (ar) 1. of the statutes
11 is amended to read:

12 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
13 the court shall schedule a hearing within 10 business days after receiving the
14 request. A circuit court commissioner may conduct the hearing. The only issues at
15 the hearing shall be whether the individual is delinquent in making court-ordered
16 payments of support and whether any alternative payment arrangement offered by
17 the department of workforce development or the county child support agency is
18 reasonable.

19 ***-1261/5.643* *-1267/P1.186* SECTION 1728.** 49.857 (3) (ar) 2. of the statutes
20 is amended to read:

21 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court
22 commissioner finds that the individual does not owe delinquent support, or if within
23 20 business days after receiving a notice under par. (am) the individual pays the
24 delinquent amount in full or makes satisfactory alternative payment arrangements,

1 the department of workforce development shall remove the individual's name from
2 the certification list.

3 ***-1261/5.644* *-1267/P1.187* SECTION 1729.** 49.857 (3) (ar) 3. of the statutes
4 is amended to read:

5 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court
6 commissioner makes a written determination that alternative payment
7 arrangements proposed by the department of workforce development or a child
8 support agency are not reasonable, the court or circuit court commissioner may order
9 for the individual an alternative payment arrangement. If the court or circuit court
10 commissioner orders an alternative payment arrangement, the department of
11 workforce development may not place the individual's name on a certification list.

12 ***-1261/5.645* *-1267/P1.188* SECTION 1730.** 49.857 (3) (b) (intro.) of the
13 statutes is amended to read:

14 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
15 individual of the effect that a failure to comply with the subpoena or warrant may
16 have on any license that the individual holds or for which the individual applies. If
17 the individual fails to comply, before the department of workforce development
18 certifies to a licensing authority or a licensing agency under the system established
19 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
20 the department of workforce development or a child support agency shall provide
21 notice to the individual by regular mail. The notice shall inform the individual of all
22 of the following:

23 ***-1261/5.646* *-1267/P1.189* SECTION 1731.** 49.857 (3) (bm) of the statutes
24 is amended to read:

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1 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
2 satisfy the requirements under the subpoena or warrant, the department of
3 workforce development shall place the individual's name on a certification list.

4 *-1261/5.647* *-1267/P1.190* SECTION 1732. 49.857 (3) (c) (intro.) of the
5 statutes is amended to read:

6 49.857 (3) (c) (intro.) If the department of workforce development children and
7 families provides a certification list to a licensing authority, a licensing agency or,
8 with respect to a credential granted by a credentialing board, the department of
9 regulation and licensing, upon receipt of the list the licensing authority if the
10 licensing authority agrees, the licensing agency or, with respect to a credential
11 granted by a credentialing board, the department of regulation and licensing shall
12 do all of the following:

13 *-1261/5.648* *-1267/P1.191* SECTION 1733. 49.857 (3) (d) 1. of the statutes
14 is amended to read:

15 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
16 delinquent support, is denied a license or whose license, on the basis of delinquent
17 support, is restricted, limited, suspended, or refused renewal or revalidation under
18 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
19 amount of support in full or makes satisfactory alternative payment arrangements,
20 the department of workforce development children and families shall immediately
21 notify the licensing authority or licensing agency to issue or reinstate the individual's
22 license as provided in the memorandum of understanding. If the individual held or
23 applied for a credential granted by a credentialing board, the department of
24 regulation and licensing shall, upon notice by the department of workforce

1 development children and families, notify the credentialing board to grant or
2 reinstate the individual's credential.

3 ***-1261/5.649*** ***-1267/P1.192*** SECTION 1734. 49.857 (3) (d) 2. of the statutes
4 is amended to read:

5 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
6 failure to comply with a subpoena or warrant, is denied a license or whose license,
7 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
8 suspended, or refused renewal or revalidation under a memorandum of
9 understanding entered into under sub. (2) (b) satisfies the requirements under the
10 subpoena or warrant, the department of ~~workforce development~~ children and
11 families shall immediately notify the licensing authority or licensing agency to issue
12 or reinstate the individual's license as provided in the memorandum of
13 understanding. If the individual held or applied for a credential granted by a
14 credentialing board, the department of regulation and licensing shall, upon notice
15 by the department of ~~workforce development~~ children and families, notify the
16 credentialing board to grant or reinstate the individual's credential.

17 ***-1261/5.650*** ***-1267/P1.193*** SECTION 1735. 49.857 (4) of the statutes is
18 amended to read:

19 49.857 (4) Each licensing agency shall enter into a memorandum of
20 understanding with the department of ~~workforce development~~ children and families
21 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~
22 children and families in its administration of s. 49.22. The department of regulation
23 and licensing shall enter into a memorandum of understanding with the department
24 of ~~workforce development~~ children and families on behalf of a credentialing board
25 with respect to a credential granted by the credentialing board.

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1 ***-1261/5.651*** ***-1267/P1.194*** SECTION 1736. 49.858 (1) of the statutes is
2 renumbered 49.858 (1) (intro.) and amended to read:

3 49.858 (1) (intro.) In this section, ~~“support”~~;

4 (b) “Support” has the meaning given in s. 49.857 (1) (g).

5 ***-1261/5.652*** ***-1267/P1.195*** SECTION 1737. 49.858 (1) (a) of the statutes is
6 created to read:

7 49.858 (1) (a) “Department” means the department of children and families.

8 ***-1261/5.653*** ***-1267/P1.196*** SECTION 1738. 49.858 (2) (intro.) of the
9 statutes is amended to read:

10 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
11 administrative enforcement of support obligations, the department of ~~workforce~~
12 development shall promulgate rules related to all of the following:

13 ***-1261/5.654*** ***-1267/P1.197*** SECTION 1739. 49.858 (3) of the statutes is
14 amended to read:

15 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
16 commissioner conducts a hearing in any administrative support enforcement
17 proceeding under s. 49.852, 49.856 or 49.857, the department of ~~workforce~~
18 development or the obligor may, within 15 business days after the date that the
19 circuit court commissioner makes his or her decision, request review of the decision
20 by the court with jurisdiction over the matter.

21 ***-1261/5.655*** ***-1267/P1.198*** SECTION 1740. 49.86 of the statutes is
22 renumbered 49.86 (2) and amended to read:

23 49.86 (2) Withdrawal or disbursement of moneys deposited in a public
24 depository, as defined in s. 34.01 (5), to the credit of the department of ~~workforce~~
25 development or any of its divisions or agencies shall be by check, share draft, or other

1 draft signed by the secretary of workforce development or by one or more persons in
2 the department of workforce development designated by written authorization of the
3 secretary of workforce development. Such checks, share drafts, and other drafts
4 shall be signed personally or by use of a mechanical device adopted by the secretary
5 of workforce development or his or her designees for affixing a facsimile signature.

6 Any public depository shall be fully warranted and protected in making payment on
7 any check, share draft, or other draft bearing such facsimile signature
8 notwithstanding that the facsimile may have been placed thereon without the
9 authority of the secretary of workforce development or his or her designees.

10 *~~1261/5.656~~* *~~1267/P1.199~~* SECTION 1741. 49.86 (1) of the statutes is
11 created to read:

12 49.86 (1) In this section:

13 (a) "Department" means the department of children and families.

14 (b) "Secretary" means the secretary of children and families.

15 *~~1261/5.657~~* *~~1267/P1.200~~* SECTION 1742. 49.89 (2) of the statutes is
16 amended to read:

17 49.89 (2) SUBROGATION. The department of health and family services, the
18 department of workforce development children and families, a county, or an elected
19 tribal governing body that provides any public assistance under this chapter or
20 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that
21 creates a claim or cause of action, whether in tort or contract, on the part of a public
22 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
23 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
24 beneficiary or estate and may make a claim or maintain an action or intervene in a
25 claim or action by the recipient, beneficiary, or estate against the 3rd party.

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1 Subrogation under this subsection because of the provision of medical assistance
2 under subch. IV constitutes a lien, equal to the amount of the medical assistance
3 provided as a result of the injury, sickness, or death that gave rise to the claim. The
4 lien is on any payment resulting from a judgment or settlement that may be due the
5 obligor. A lien under this subsection continues until it is released and discharged by
6 the department of health and family services.

7 ***-1261/5.658* *-1267/P1.201* SECTION 1743.** 49.89 (6) of the statutes is
8 amended to read:

9 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
10 family services and the department of ~~workforce development~~ children and families
11 shall enforce their rights under this section and may contract for the recovery of any
12 claim or right of indemnity arising under this section.

13 ***-0905/3.75* SECTION 1744.** 49.89 (7) (b) of the statutes is amended to read:

14 49.89 (7) (b) The incentive payment shall be an amount equal to 15% of the
15 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 ~~or~~, 49.47,
16 or 49.471. The incentive payment shall be taken from the federal share of the sum
17 recovered as provided under 42 CFR 433.153 and 433.154.

18 ***-1261/5.659* *-1267/P1.202* SECTION 1745.** 49.89 (7) (d) 2. of the statutes
19 is amended to read:

20 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
21 recovery under this section for which it is eligible to receive an incentive payment
22 under par. (c) shall report such recovery to the department of ~~workforce development~~
23 children and families within 30 days after the end of the month in which the recovery
24 is made in a manner specified by the department of ~~workforce development~~ children
25 and families.

1 *-1548/3.1* SECTION 1746. 49.895 of the statutes is created to read:

2 **49.895 Insurance claim intercept.** (1) In this section:

3 (a) "Medical assistance liability" means an amount that the department of
4 health and family services may recover under s. 49.497, 49.847, or 49.89.

5 (b) "Support liability" means an amount that is entered in the statewide
6 support lien docket under s. 49.854.

7 (2) Before paying an insurance claim of \$500 or more to any individual, an
8 insurer that is authorized to do business in this state shall do all of the following:

9 (a) Verify with the department of health and family services, in the manner
10 required by the department, whether the individual to whom the claim is to be paid
11 has a medical assistance liability.

12 (b) Check the statewide support lien docket to determine whether the
13 individual to whom the claim is to be paid has a support liability.

14 (3) If an individual to whom a claim of \$500 or more is to be paid has a support
15 liability or a medical assistance liability, or both, the insurer shall distribute the
16 claim proceeds as follows:

17 (a) First, if there is a support liability, to the department of workforce
18 development to pay the support liability, up to the amount of the support liability or
19 the amount of the claim, whichever is less.

20 (b) Next, if there is a medical assistance liability, to the department of health
21 and family services to pay the medical assistance liability, up to the amount of the
22 medical assistance liability or the amount of the claim proceeds remaining,
23 whichever is less.

24 (c) Last, to the individual, the remainder of the claim proceeds, if any.

1 (4) The department of health and family services shall promulgate rules for the
2 administration of this section, including procedures for insurers to follow and any
3 notice and hearing requirements. Notwithstanding s. 227.24 (3), the rules under this
4 subsection may be promulgated as emergency rules under s. 227.24 without a finding
5 of emergency.

6 *-1261/5.660* SECTION 1747. 49.895 (3) (a) of the statutes, as created by 2007
7 Wisconsin Act ... (this act), is amended to read:

8 49.895 (3) (a) First, if there is a support liability, to the department of workforce
9 development children and families to pay the support liability, up to the amount of
10 the support liability or the amount of the claim, whichever is less.

****NOTE: This is reconciled s. 49.895 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: -1261 and -1548.

11 *-1261/5.661* *-1267/P1.203* SECTION 1748. 49.90 (2) of the statutes is
12 amended to read:

13 49.90 (2) Upon failure of these relatives to provide maintenance the authorities
14 or board shall submit to the corporation counsel a report of its findings. Upon receipt
15 of the report the corporation counsel shall, within 60 days, apply to the circuit court
16 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
17 dependent person under sub. (1) (a) 2. resides for an order to compel the
18 maintenance. Upon such an application the corporation counsel shall make a
19 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy
20 to the chairperson of the county board of supervisors in a county with a single-county
21 department or the county boards of supervisors in counties with a multicounty
22 department, and to the department of health and family services or the department
23 of workforce development children and families, whichever is appropriate.

1 ***-1261/5.662* *-1267/P1.204* SECTION 1749.** 49.90 (2g) of the statutes is
2 amended to read:

3 **49.90 (2g)** In addition to the remedy specified in sub. (2), upon failure of a
4 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
5 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
6 dependent minor or the child's parent may apply to the circuit court for the county
7 in which the child resides for an order to compel the provision of maintenance. A
8 county department under s. 46.215, 46.22, or 46.23, a county child support agency
9 under s. 59.53 (5), or the department of workforce development children and families
10 may initiate an action to obtain maintenance of the child by the child's grandparent
11 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

12 ***-1261/5.663* *-1261/P3.497* SECTION 1750.** 49.90 (4) of the statutes is
13 amended to read:

14 **49.90 (4)** The circuit court shall in a summary way hear the allegations and
15 proofs of the parties and by order require maintenance from these relatives, if they
16 have sufficient ability, considering their own future maintenance and making
17 reasonable allowance for the protection of the property and investments from which
18 they derive their living and their care and protection in old age, in the following
19 order: First the husband or wife; then the father and the mother; and then the
20 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify
21 a sum which will be sufficient for the support of the dependent person under sub. (1)
22 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be
23 paid weekly or monthly, during a period fixed by the order or until the further order
24 of the court. If the court is satisfied that any such relative is unable wholly to
25 maintain the dependent person or the child, but is able to contribute to the person's

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1 support or the child's maintenance, the court may direct 2 or more of the relatives
2 to maintain the person or the child and prescribe the proportion each shall
3 contribute. If the court is satisfied that these relatives are unable together wholly
4 to maintain the dependent person or the child, but are able to contribute to the
5 person's support or the child's maintenance, the court shall direct a sum to be paid
6 weekly or monthly by each relative in proportion to ability. Contributions directed
7 by court order, if for less than full support, shall be paid to the department of health
8 and family services or the department of children and families, whichever is
9 appropriate, and distributed as required by state and federal law. An order under
10 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
11 specifically assign responsibility for and direct the manner of payment of the child's
12 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
13 application of any party affected by the order and upon like notice and procedure, the
14 court may modify such an order. Obedience to such an order may be enforced by
15 proceedings for contempt.

16 ***-1261/5.664* *-1261/P3.498* SECTION 1751.** 50.01 (1g) (b) of the statutes is
17 amended to read:

18 50.01 (1g) (b) A facility or private home that provides care, treatment, and
19 services only for victims of domestic abuse, as defined in s. 46.95 49.165 (1) (a), and
20 their children.

21 ***-1198/P4.6* SECTION 1752.** 50.02 (2) (d) of the statutes is renumbered 50.02
22 (2) (d) (intro.) and amended to read:

23 50.02 (2) (d) (intro.) The department shall promulgate rules that prescribe the
24 time periods and the methods of providing information specified in ss. 50.033 (2r) and

1 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).~~ all of
2 the following:

3 ***-1198/P4.7* SECTION 1753.** 50.02 (2) (d) 1. of the statutes is created to read:

4 50.02 (2) (d) 1. The method by which community-based residential facilities
5 shall make referrals to resource centers or county departments under s. 50.035 (4n)
6 and the method by which residential care apartment complexes shall make referrals
7 to resource centers under s. 50.034 (5n).

8 ***-1198/P4.8* SECTION 1754.** 50.02 (2) (d) 2. of the statutes is created to read:

9 50.02 (2) (d) 2. The time period for nursing homes to provide information to
10 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
11 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

12 ***-0242/1.9* SECTION 1755.** 50.02 (4) of the statutes is repealed.

13 ***-1085/1.1* SECTION 1756.** 50.033 (2) of the statutes is amended to read:

14 50.033 (2) Standards for operation of licensed adult family homes and
15 procedures for application for licensure, monitoring, inspection, revocation and
16 appeal of revocation under this section shall be under rules promulgated by the
17 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
18 revoked under this section. Licensure is not transferable. The biennial licensure fee
19 for a licensed adult family home is \$135, except that, after March 31, 2008, the
20 biennial fee for a licensed adult family home shall be the amount that the department
21 shall establish by rule. The fee is payable to the county department under s. 46.215,
22 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
23 home under sub. (1m) (b), and is payable to the department, on a schedule
24 determined by the department if the department licenses the adult family home
25 under sub. (1m) (b).

1 ***-1198/P4.9* SECTION 1757.** 50.033 (2r) of the statutes is repealed.

 ****NOTE: This is reconciled s. 50.033 (2r). This SECTION has been affected by drafts with the following LRB numbers: 0330 and 1198.

2 ***-1198/P4.10* SECTION 1758.** 50.033 (2s) of the statutes is repealed.

 ****NOTE: This is reconciled s. 50.033 (2s). This SECTION has been affected by drafts with the following LRB numbers: 0330 and 1198.

3 ***-1198/P4.11* SECTION 1759.** 50.033 (2t) of the statutes is repealed.

4 ***-0358/3.3* SECTION 1760.** 50.034 (3) (e) of the statutes is created to read:

5 50.034 (3) (e) Post in a conspicuous location in the residential care apartment
6 complex a notice, provided by the board on aging and long-term care, of the name,
7 address, and telephone number of the Long-Term Care Ombudsman Program under
8 s. 16.009 (2) (b).

9 ***-1198/P4.12* SECTION 1761.** 50.034 (5m) of the statutes is amended to read:

10 50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a
11 residential care apartment complex ~~shall, within the time period after inquiry by~~
12 first provides written material regarding the residential care apartment complex to
13 a prospective resident ~~that is prescribed by the department by rule, inform, the~~
14 residential care apartment complex shall also provide the prospective resident of
15 information specified by the department concerning the services of a resource center
16 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
17 functional screening and a financial screen and cost-sharing screening to determine
18 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

 ****NOTE: This is reconciled s. 50.034 (5m). This SECTION has been affected by drafts with the following LRB numbers: 0330 and 1198.

19 ***-1198/P4.13* SECTION 1762.** 50.034 (5n) (intro.) of the statutes is amended
20 to read:

1 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
2 care apartment complex shall, ~~within the time period prescribed by the department~~
3 ~~by rule, refer to a resource center under s. 46.283 a person who is seeking admission,~~
4 first provides written material regarding the residential care apartment complex to
5 a prospective resident who is at least 65 years of age or has developmental disability
6 or a physical disability and whose disability or condition is expected to last at least
7 90 days, the residential care apartment complex shall refer the prospective resident
8 to a resource center under s. 46.283, unless any of the following applies:

9 ***-0330/P6.44*** SECTION 1763. 50.034 (5n) (a) of the statutes is amended to
10 read:

11 50.034 (5n) (a) For a person who has received a screen for whom a screening
12 for functional eligibility under s. 46.286 (1) (a) has been performed within the
13 previous 6 months, the referral under this subsection need not include performance
14 of an additional functional screen screening under s. 46.283 (4) (g).

15 ***-0330/P6.45*** SECTION 1764. 50.034 (5n) (d) of the statutes is amended to
16 read:

17 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
18 a private pay basis and who waives the requirement for a financial screen and
19 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
20 not include performance of a financial screen and cost-sharing screening under s.
21 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
22 within 6 months.

23 ***-1198/P4.14*** SECTION 1765. 50.035 (4m) of the statutes is amended to read:

24 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
25 community-based residential facility shall, ~~within the time period after inquiry by~~

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1 first provides written material regarding the community-based residential facility
2 to a prospective resident that is prescribed by the department by rule, inform, the
3 community-based residential facility shall also provide the prospective resident of
4 information specified by the department concerning the services of a resource center
5 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
6 functional screening and a financial screen and cost-sharing screening to determine
7 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

****NOTE: This is reconciled s. 50.035 (4m). This SECTION has been affected by
drafts with the following LRB numbers: 0330 and 1198.

8 ***-1198/P4.15* SECTION 1766.** 50.035 (4n) (intro.) of the statutes is amended
9 to read:

10 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
11 community-based residential facility shall, within the time period prescribed by the
12 department by rule, refer to a resource center under s. 46.283 a person who is seeking
13 admission, first provides written information regarding the community-based
14 residential facility to a prospective resident who is at least 65 years of age or has
15 developmental disability or a physical disability and whose disability or condition is
16 expected to last at least 90 days, the community-based residential facility shall refer
17 the individual to a resource center under s. 46.283 or, if the secretary has not certified
18 under s. 46.281 (3) that a resource center is available in the area of the
19 community-based residential facility to serve individuals in an eligibility group to
20 which the prospective resident belongs, to the county department that administers
21 a program under ss. 46.27 or 46.277, unless any of the following applies:

22 ***-0330/P6.46* SECTION 1767.** 50.035 (4n) (a) of the statutes is amended to
23 read:

1 50.035 (4n) (a) For a person who has received a screen for whom a screening
2 for functional eligibility under s. 46.286 (1) (a) has been performed within the
3 previous 6 months, the referral under this subsection need not include performance
4 of an additional functional screen screening under s. 46.283 (4) (g).

5 ***-0330/P6.47*** SECTION 1768. 50.035 (4n) (d) of the statutes is amended to
6 read:

7 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
8 a private pay basis and who waives the requirement for a financial screen and
9 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
10 not include performance of a financial screen and cost-sharing screening under s.
11 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
12 within 6 months.

13 ***-1198/P4.16*** SECTION 1769. 50.035 (4p) of the statutes is amended to read:

14 50.035 (4p) APPLICABILITY. Subsections Subsection (4m) and (4n) apply applies
15 only if the secretary has certified under s. 46.281 (3) that a resource center is
16 available for the community-based residential facility and for specified groups of
17 eligible individuals that include those persons seeking admission to or the residents
18 of the community-based residential facility.

19 ***-0334/2.1*** SECTION 1770. 50.035 (6) of the statutes is amended to read:

20 50.035 (6) POSTING OF NOTICE REQUIRED. The licensee of a community-based
21 residential facility that is licensed to serve a client group of persons with functional
22 impairments that commonly accompany advanced age, or his or her designee, shall
23 post in a conspicuous location in the community-based residential facility a notice,
24 provided by the board on aging and long-term care, of the name, address and
25 telephone number of the long-term care ombudsman program under s. 16.009 (2) (b).

1 *-1198/P4.17* SECTION 1771. 50.035 (7) of the statutes is repealed.

2 *-1198/P4.18* SECTION 1772. 50.035 (9) of the statutes is repealed.

3 *-1085/1.2* SECTION 1773. 50.037 (2) (a) of the statutes is amended to read:

4 50.037 (2) (a) The biennial fee for a community-based residential facility is
5 \$306, plus a biennial fee of \$39.60 per resident, based on the number of residents that
6 the facility is licensed to serve, except that, after March 31, 2008, the biennial fee for
7 a community-based residential facility, including any fee for a resident, shall be the
8 amount that the department shall establish by rule.

9 *-0330/P6.48* SECTION 1774. 50.04 (2g) (a) of the statutes is amended to read:

10 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
11 after inquiry by a prospective resident that is prescribed by the department by rule,
12 inform the prospective resident of the services of a resource center under s. 46.283,
13 the family care benefit under s. 46.286, and the availability of a functional screening
14 and a financial screen and cost-sharing screening to determine the prospective
15 resident's eligibility for the family care benefit under s. 46.286 (1).

16 *-0330/P6.49* SECTION 1775. 50.04 (2h) (a) 1. of the statutes is amended to
17 read:

18 50.04 (2h) (a) 1. For a person who has received a screen for whom a screening
19 for functional eligibility under s. 46.286 (1) (a) has been performed within the
20 previous 6 months, the referral under this paragraph need not include performance
21 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

22 *-0330/P6.50* SECTION 1776. 50.04 (2h) (a) 4. of the statutes is amended to
23 read:

24 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
25 on a private pay basis and who waives the requirement for a financial screen and

1 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
2 not include performance of a financial screen and cost-sharing screening under s.
3 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
4 within 6 months.

5 ***-0244/1.1* SECTION 1777.** 50.04 (4) (e) 1. of the statutes is amended to read:

6 50.04 (4) (e) 1. If a nursing home desires to contest any department action
7 under this subsection, it shall send a written request for a hearing under s. 227.44
8 to the division of hearings and appeals created under s. 15.103 (1) within ~~10~~ 60 days
9 of receipt of notice of the contested action. Department action that is subject to a
10 hearing under this subsection includes service of a notice of a violation of this
11 subchapter or rules promulgated under this subchapter, a notation in the report
12 under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's
13 plan of correction, but does not include a correction order. Upon the request of the
14 nursing home, the division shall grant a stay of the hearing under this paragraph
15 until the department assesses a forfeiture, so that its hearing under this paragraph
16 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
17 action under this subsection arising out of a violation, deficiency or rejection and
18 imposition of a plan of correction shall be the subject of a single hearing. Unless a
19 stay is granted under this paragraph, the division shall commence the hearing
20 within 30 days of the request for hearing, within 30 days of the department's
21 acceptance of a nursing home's plan of correction or within 30 days of the
22 department's imposition of a plan of correction, whichever is later. The division shall
23 send notice to the nursing home in conformance with s. 227.44. Issues litigated at
24 the hearing may not be relitigated at subsequent hearings under this paragraph
25 arising out of the same violation or deficiency.

1 *-0244/1.2* SECTION 1778. 50.04 (5) (e) of the statutes is amended to read:

2 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
3 assessment of forfeiture by sending, within ~~10~~ 60 days after receipt of notice of a
4 contested action, a written request for hearing under s. 227.44 to the division of
5 hearings and appeals created under s. 15.103 (1). The administrator of the division
6 may designate a hearing examiner to preside over the case and recommend a decision
7 to the administrator under s. 227.46. The decision of the administrator of the
8 division shall be the final administrative decision. The division shall commence the
9 hearing within 30 days of receipt of the request for hearing and shall issue a final
10 decision within 15 days after the close of the hearing. Proceedings before the division
11 are governed by ch. 227. In any petition for judicial review of a decision by the
12 division, the party, other than the petitioner, who was in the proceeding before the
13 division shall be the named respondent.

14 *-0242/1.10* SECTION 1779. 50.04 (5) (fr) of the statutes is repealed.

15 *-0244/1.3* SECTION 1780. 50.05 (1) (dg) of the statutes is created to read:

16 50.05 (1) (dg) "Medicare" means 42 USC 1395 to 1395hhh.

17 *-0244/1.4* SECTION 1781. 50.05 (2) (g) of the statutes is created to read:

18 50.05 (2) (g) The department or the facility determines that estimated
19 operating expenditures of the facility significantly exceed anticipated revenues for
20 the facility.

21 *-0244/1.5* SECTION 1782. 50.05 (2) (h) of the statutes is created to read:

22 50.05 (2) (h) The facility or facility's operator has been charged with or
23 convicted of an offense specified under s. 49.49 or 940.295, or a Medicare violation
24 under 42 USC 1320a-7a, 1320a-7b, or 1320a-8.

25 *-0244/1.6* SECTION 1783. 50.05 (3) of the statutes is amended to read:

1 50.05 (3) MONITOR. In any situation described in sub. (2), the department may
2 place a person to act as monitor in the facility. The monitor shall observe operation
3 of the facility, assist the facility by advising it on how to comply with state
4 regulations, and shall submit a written report periodically to the department on the
5 operation of the facility. The monitor may assist in the financial management of the
6 facility. The department may require payment by the operator or controlling person
7 of the facility for the costs of placement of a person to act as monitor in the facility.

8 ***-0330/P6.51* SECTION 1784.** 50.06 (7) of the statutes is amended to read:

9 50.06 (7) An individual who consents to an admission under this section may
10 request that an assessment be conducted for the incapacitated individual under the
11 long-term support community options program under s. 46.27 (6) or, if the secretary
12 has certified under s. 46.281 (3) that a resource center is available for the individual,
13 a functional screening and a financial screen and cost-sharing screening to
14 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
15 sought on behalf of the incapacitated individual or if the incapacitated individual is
16 about to be admitted on a private pay basis, the individual who consents to the
17 admission may waive the requirement for a financial screen and cost-sharing
18 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
19 become eligible for medical assistance within 6 months.

20 ***-0242/1.11* SECTION 1785.** 50.065 (5d) (a) 4. of the statutes is amended to
21 read:

22 50.065 (5d) (a) 4. The manner in which the tribe will submit information
23 relating to a rehabilitation review to the department so that the department may
24 include that information in its report to the legislature required under sub. (5g).

25 ***-0242/1.12* SECTION 1786.** 50.065 (5g) of the statutes is repealed.

1 *-0358/3.4* SECTION 1787. 50.09 (title) of the statutes is amended to read:

2 **50.09 (title) Rights of residents in certain facilities and complexes.**

3 *-0358/3.5* SECTION 1788. 50.09 (1) of the statutes is renumbered 50.09 (1m),

4 and 50.09 (1m) (intro.), (b), (c), (e), (f) 1. and 3., (g), (j) (intro.) and 2. (intro.) and a.

5 and (L), as renumbered, are amended to read:

6 50.09 (1m) ~~RESIDENTS' RIGHTS.~~ (intro.) Every resident in a nursing home or

7 community-based residential facility or a complex shall, except as provided in sub.

8 (5), have the right to:

9 (b) Present grievances on the resident's own behalf or others to the facility's
10 staff or administrator of the facility or complex, to public officials or to any other
11 person without justifiable fear of reprisal, and to join with other residents or
12 individuals within or outside of the facility or complex to work for improvements in
13 resident care.

14 (c) Manage the resident's own financial affairs, including any personal
15 allowances under federal or state programs, unless the resident delegates, in
16 writing, ~~such~~ this responsibility to the facility or complex and the facility or complex
17 accepts the responsibility, or unless the resident delegates to someone else of the
18 resident's choosing and that person accepts the responsibility. The resident shall
19 receive, upon written request by the resident or guardian, a written monthly account
20 of any financial transactions made by the facility or complex under such a delegation
21 of responsibility.

22 (e) Be treated with courtesy, respect and full recognition of the resident's
23 dignity and individuality, by all employees of the facility or complex and licensed,
24 certified, or registered providers of health care and pharmacists with whom the
25 resident comes in contact.

1 (f) 1. 'Privacy for visits by spouse.' If both spouses are residents of the same
2 facility or complex, they shall be permitted to share a room or apartment unless
3 medically contraindicated as documented by the resident's physician or advanced
4 practice nurse prescriber in the resident's medical record.

5 3. Confidentiality of health and personal records, and the right to approve or
6 refuse their release to any individual outside the facility or complex, except in the
7 case of the resident's transfer to another facility or complex or as required by law or
8 3rd-party payment contracts and except as provided in s. 146.82 (2) and (3).

9 (g) Not to be required to perform services for the facility or complex that are not
10 included for therapeutic purposes in the resident's plan of care.

11 (j) (intro.) Be transferred or discharged, and be given reasonable advance notice
12 of any planned transfer or discharge, and an explanation of the need for and
13 alternatives to the transfer or discharge. The facility or complex to which the
14 resident is to be transferred must have accepted the resident for transfer, except in
15 a medical emergency or if the transfer or discharge is for nonpayment of charges
16 following a reasonable opportunity to pay a deficiency. No person may be
17 involuntarily discharged for nonpayment under this paragraph if the person meets
18 all of the following conditions:

19 2. (intro.) The funding of his or her care in the ~~nursing home or~~
20 ~~community-based residential~~ facility under s. 49.45 (6m) is reduced or terminated
21 because of one of the following:

22 a. He or she requires a level or type of care ~~which that~~ is not provided by the
23 ~~nursing home or community-based residential~~ facility.

24 (L) Receive adequate and appropriate care within the capacity of the facility
25 or complex.