

1 services shall not apply. The department and local governmental bodies may
2 establish such departments, boards, committees, organizational structures, and
3 procedures as may be needed to implement the pilot programs. The departments,
4 boards, committees, and organizational structures may assume responsibilities
5 currently assigned by statute to the departments, boards, committees, or
6 organizational structures that are replaced.

7 **SECTION 826.** 46.036 (1) of the statutes is amended to read:

8 46.036 (1) All care and services purchased by the department or by a county
9 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, except as provided under
10 subch. III of ch. 49 and s. 301.08 (2), shall be authorized and contracted for under the
11 standards established under this section. The department may require the county
12 departments to submit the contracts to the department for review and approval. For
13 purchases of \$10,000 or less the requirement for a written contract may be waived
14 by the department. ~~No contract is required for care provided by foster homes or~~
15 ~~treatment foster homes that are required to be licensed under s. 48.62.~~ When the
16 department directly contracts for services, it shall follow the procedures in this
17 section in addition to meeting purchasing requirements established in s. 16.75.

18 **SECTION 827.** 46.036 (4) (a) of the statutes is amended to read:

19 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
20 entry accounting system and a management information system which are
21 compatible with cost accounting and control systems prescribed by the department.
22 ~~The department shall establish a simplified double entry bookkeeping system for use~~
23 ~~by family-operated group homes. Each purchaser shall determine whether a~~
24 ~~family-operated group home from which it purchases services shall use the double~~
25 ~~entry accounting system or the simplified system and shall include this~~



1 ~~determination in the purchase of service contract. In this paragraph,~~
2 ~~“family-operated group home” means a group home licensed under s. 48.66 (1) (a) for~~
3 ~~which the licensee is one or more individuals who operate not more than one group~~
4 ~~home.~~

5 **SECTION 829c.** 46.036 (4) (c) of the statutes is amended to read:

6 46.036 (4) (c) Unless waived by the department, biennially, or annually if
7 required under federal law, provide the purchaser with a certified financial and
8 compliance audit report if the care and services purchased exceed \$25,000. The audit
9 shall follow standards that the department prescribes. A purchaser may waive the
10 ~~requirements of this paragraph for any family-operated group home, as defined~~
11 ~~under par. (a), from which it purchases services.~~

12 **SECTION 830.** 46.037 of the statutes is renumbered 49.343 and amended to
13 read:

14 **49.343 Rates for residential child care centers and group homes. (1)**
15 Subject to sub. (1m), each residential child care center for children and youth, as
16 defined in s. 48.02 (15d), and each group home, as defined in s. 48.02 (7), that is
17 ~~licensed under s. 48.625 and incorporated under ch. 180, 181, 185, or 193 shall~~
18 establish a per client rate for its services and shall charge all purchasers the same
19 rate.

20 **(1m)** Notwithstanding sub. (1), the department, a county department under
21 s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the
22 department and one or more of those county departments, and a residential child
23 care center for children and youth or group home, as described in sub. (1), may
24 negotiate a per client rate for the services of that residential child care center for
25 children and youth or group home, if the department, that county department, the

1 county departments in that group of county departments, or the department and one
2 or more of those county departments, agree to place 75% or more of the residents of
3 that residential child care center for children and youth or group home during the
4 period for which that rate is effective. A residential child care center for children and
5 youth or group home that negotiates a per client rate under this subsection shall
6 charge that rate to all purchasers of its services.

7 (2) A residential child care center for children and youth or a group home, as
8 described in sub. (1) or (1m), shall submit to the department the rate it charges and
9 any change in that rate before a charge is made to any purchaser. The department
10 shall provide forms and instructions for the submission of rates and changes in rates
11 under this subsection and a residential child care center for children and youth or
12 a group home that is required to submit a rate or a change in a rate under this
13 subsection shall submit that rate or change in a rate using those forms and
14 instructions.

15 (3) The department may require an audit of any residential child care center
16 for children and youth or group home, as described in sub. (1) or (1m), for the purpose
17 of collecting federal funds.

18 **SECTION 831.** 46.043 (1) of the statutes is amended to read:

19 46.043 (1) In addition to inpatient and outpatient services provided at mental
20 health institutes under ss. 51.05 and 51.07, the department may authorize mental
21 health institutes to offer services other than inpatient mental health services when
22 the department determines that community services need to be supplemented.
23 Services that may be offered under this section include mental health outpatient
24 treatment and services, day programming, consultation and services in residential

1 facilities, including group homes, ~~child-care institutions~~ residential care centers
2 for children and youth and community-based residential facilities.

3 **SECTION 832.** 46.057 (2) of the statutes is amended to read:

4 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
5 department of corrections shall transfer to the appropriation account under s. 20.435
6 (2) (kx) \$1,379,300 in each fiscal year 2005–06 and ~~\$1,379,300 in fiscal year 2006–07~~
7 and, from the appropriation account under s. 20.410 (3) (hm), the department of
8 corrections shall transfer to the appropriation account under s. 20.435 (2) (kx)
9 ~~\$2,271,200~~ \$2,639,800 in fiscal year 2005–06 and ~~\$2,390,600~~ 2007–08 and
10 \$2,707,300 in fiscal year 2006–07 ~~2008–09~~ for services for juveniles placed at the
11 Mendota juvenile treatment center. The department of health and family services
12 may charge the department of corrections not more than the actual cost of providing
13 those services.

14 **SECTION 833.** 46.10 (14) (b) of the statutes is amended to read:

15 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
16 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
17 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
18 in a residential, nonmedical facility such as a group home, foster home, treatment
19 foster home, subsidized guardianship home, or residential care center for children
20 and youth shall be determined by the court by using the percentage standard
21 established by the department of ~~workforce development~~ children and families
22 under s. 49.22 (9) and by applying the percentage standard in the manner
23 established by the department under s. ~~46.247~~ par. (g).

24 **SECTION 834.** 46.10 (14) (g) of the statutes is created to read:

1 46.10 (14) (g) For purposes of determining child support under par. (b), the
2 department shall promulgate rules related to the application of the standard
3 established by the department of children and families under s. 49.22 (9) to a child
4 support obligation for the care and maintenance of a child who is placed by a court
5 order under s. 48.355 or 48.357 in a residential, nonmedical facility. The rules shall
6 take into account the needs of any person, including dependent children other than
7 the child, whom either parent is legally obligated to support.

8 **SECTION 835.** 46.10 (16) of the statutes is amended to read:

9 46.10 (16) The department shall delegate to county departments under ss.
10 51.42 and 51.437 or the local providers of care and services meeting the standards
11 established by the department under s. 46.036, the responsibilities vested in the
12 department under this section for collection of patient fees for services other than
13 those provided at state facilities or, those provided to children that are reimbursed
14 under a waiver under s. 46.27 (11), 46.275., 46.278, or 46.2785, or a waiver requested
15 under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section
16 9124 (8e), those provided under the disabled children's long-term support program
17 if the county departments or providers meet the conditions that the department
18 determines are appropriate. The department may delegate to county departments
19 under ss. 51.42 and 51.437 the responsibilities vested in the department under this
20 section for collection of patient fees for services provided at the state facilities if the
21 necessary conditions are met.

22 **SECTION 836.** 46.16 (1) of the statutes is amended to read:

23 46.16 (1) **GENERALLY.** The department shall investigate and supervise all the
24 charitable and curative institutions, including county infirmaries, of every county
25 and municipality, except tuberculosis sanatoriums; ~~all shelter care facilities for~~

1 ~~children and, and~~ all hospitals, asylums, and institutions, organized for the purpose
2 set forth in s. 58.01, and familiarize itself with all the circumstances affecting their
3 management and usefulness.

4 **SECTION 837.** 46.16 (2) of the statutes is repealed.

5 **SECTION 838.** 46.16 (2m) of the statutes is repealed.

6 **SECTION 839.** 46.16 (2s) of the statutes is repealed.

7 **SECTION 840.** 46.16 (3) of the statutes is amended to read:

8 46.16 (3) COUNTY HOMES, POOR RELIEF. ~~It~~ The department shall visit the county
9 homes and ascertain the number of each sex and the number of mentally ill, mentally
10 deficient, deaf, or blind persons, ~~and children~~ supported in each, at what cost and
11 under what circumstances affecting their health, comfort, morals, and education;
12 collect statistics of the cost of support, and other important facts, of the poor relieved
13 at public expense outside of county homes; and collect information as to the adequacy
14 and efficiency of existing laws for the support and relief of the poor, and the causes
15 of pauperism in the state.

16 **SECTION 841.** 46.16 (7) of the statutes is amended to read:

17 46.16 (7) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon
18 request of the department, the attorney general or the district attorney of the proper
19 county shall aid in any investigation, inspection, hearing, or trial had under the
20 provisions of this chapter, ~~or those sections of ch. 48~~ relating to powers of the
21 department, and shall institute and prosecute all necessary actions or proceedings
22 for the enforcement of ~~such~~ those provisions and for the punishment of violations of
23 ~~the same~~ those provisions. The attorney general or district attorney so requested
24 shall report or confer with the department regarding the request, within 30 days
25 after the receipt of ~~such~~ the request.

1 **SECTION 842.** 46.17 (1) of the statutes is amended to read:

2 46.17 (1) The department shall fix reasonable standards and regulations for
3 the design, construction, repair, and maintenance of county homes, county
4 infirmaries, county hospitals, and mental health facilities and shelter care facilities,
5 with respect to their adequacy and fitness for the needs which they are to serve.

6 **SECTION 843.** 46.206 (1) (a) of the statutes is amended to read:

7 46.206 (1) (a) The department shall supervise the administration of social
8 services, except as provided under ch. 48 and subch. III of ch. 49 and except for
9 juvenile delinquency-related services. The department shall submit to the federal
10 authorities state plans for the administration of social services, except as provided
11 under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency-related
12 services, in such form and containing such information as the federal authorities
13 require, and shall comply with all requirements prescribed to ensure their
14 correctness.

15 **SECTION 844.** 46.206 (1) (bm) of the statutes is amended to read:

16 46.206 (1) (bm) All records of the department relating to aid provided under
17 s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are open to inspection at reasonable
18 hours by members of the legislature who require the information contained in the
19 records in pursuit of a specific state legislative purpose. All records of any county
20 relating to aid provided under s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are
21 open to inspection at reasonable hours by members of the board of supervisors of the
22 county or the governing body of a city, village or town located in the county who
23 require the information contained in the records in pursuit of a specific county or
24 municipal legislative purpose. The right to records access provided by this
25 paragraph does not apply if access is prohibited by federal law or regulation or if this

1 state is required to prohibit such access as a condition precedent to participation in
2 a federal program in which this state participates.

3 **SECTION 845.** 46.206 (2) of the statutes is amended to read:

4 46.206 (2) The county administration of all laws relating to social services,
5 except with respect to the programs under ch. 48 and subch. III of ch. 49 and to
6 juvenile delinquency-related programs, shall be vested in the officers and agencies
7 designated in the statutes.

8 **SECTION 846.** 46.21 (2m) (c) of the statutes is amended to read:

9 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
10 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7) and 253.07
11 (3) (c), a subunit of a county department of human services or tribal agency acting
12 under this subsection may exchange confidential information about a client, without
13 the informed consent of the client, with any other subunit of the same county
14 department of human services or tribal agency, with a resource center, a care
15 management organization, or a family long-term care district, with an
16 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
17 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
18 providing services to the client under a purchase of services contract with the county
19 department of human services or tribal agency or with a resource center, a care
20 management organization, or a family long-term care district, if necessary to enable
21 an employee or service provider to perform his or her duties, or to enable the county
22 department of human services or tribal agency to coordinate the delivery of services
23 to the client. An agency that releases information under this paragraph shall
24 document that a request for information was received and what information was
25 provided.

1 **SECTION 847.** 46.21 (5) (b) of the statutes is amended to read:

2 46.21 (5) (b) Sections 46.10, 49.08, 49.345, 49.90, and 301.12 govern the
3 support and maintenance of persons in any of the institutions specified in sub. (2) (a).

4 **SECTION 848.** 46.215 (1) (d) of the statutes is amended to read:

5 46.215 (1) (d) To make investigations that relate to services under subchs. II,
6 IV, and V of ch. 49 upon request by the department of health and family services, to
7 make investigations that relate to juvenile delinquency-related services at the
8 request of the department of corrections, and to make investigations that relate to
9 programs under ch. 48 and subch. III of ch. 49 upon request by the department of
10 workforce development children and families.

11 **SECTION 849.** 46.215 (1) (j) of the statutes is amended to read:

12 46.215 (1) (j) To make payments in such manner as the department of
13 workforce development children and families may determine for training of
14 recipients, former recipients, and potential recipients of aid in programs established
15 under s. 49.193, 1997 stats., and s. 49.26 (1).

16 **SECTION 850.** 46.215 (1m) of the statutes is amended to read:

17 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
18 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
19 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
20 services or tribal agency acting under this section may exchange confidential
21 information about a client, without the informed consent of the client, with any other
22 subunit of the same county department of social services or tribal agency, with a
23 resource center, a care management organization, or a family long-term care
24 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
25 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)

1 lg., or with a person providing services to the client under a purchase of services
2 contract with the county department of social services or tribal agency or with a
3 resource center, a care management organization, or a family long-term care
4 district, if necessary to enable an employee or service provider to perform his or her
5 duties, or to enable the county department of social services or tribal agency to
6 coordinate the delivery of services to the client. An agency that releases information
7 under this subsection shall document that a request for information was received
8 and what information was provided.

9 **SECTION 851.** 46.215 (1p) of the statutes is amended to read:

10 **46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE**
11 **INFORMATION SYSTEM.** Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
12 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (e) 55.22 (3), 146.82,
13 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a) 938.396 (1) and (2), and 938.78
14 (2) (a), a county department under this section may enter the content of any record
15 kept or information received by that county department into the statewide
16 automated child welfare information system established under s. 46.03 48.47 (7g).

17 **SECTION 852.** 46.215 (2) (a) 2. of the statutes is amended to read:

18 **46.215 (2) (a) 2.** In order to ensure the availability of a full range of care and
19 services, the county department of social services may contract, either directly or
20 through the department of ~~workforce development~~ children and families, with public
21 or voluntary agencies or others to purchase, in full or in part, care and services under
22 ch. 48 and subch. III of ch. 49 which the county department of social services is
23 authorized to furnish. This care and these services may be purchased from the
24 department of ~~workforce development~~ children and families if the department of
25 ~~workforce development~~ children and families has staff to furnish the services. If the

1 county department of social services has adequate staff, it may sell the care and
2 services directly to another county or state agency.

3 **SECTION 853.** 46.215 (2) (b) of the statutes is amended to read:

4 46.215 (2) (b) A county department of social services may purchase
5 development and training services from the department of health and family
6 services, from the department of workforce development children and families, from
7 the department of corrections or from other county agencies when the services are
8 available. A county department of social services may sell the development and staff
9 training services to another county or state agency if the county department has
10 adequate staff to provide the services.

11 **SECTION 854.** 46.215 (2) (c) 2. of the statutes is amended to read:

12 46.215 (2) (c) 2. A county department of social services shall develop, under the
13 requirements of s. 49.34, plans and contracts for care and services to be purchased
14 under ch. 48 and subch. III of ch. 49. The department of workforce development
15 children and families may review the contracts and approve them if they are
16 consistent with s. 49.34 and if state or federal funds are available for such purposes.
17 The joint committee on finance may require the department of workforce
18 development children and families to submit the contracts to the committee for
19 review and approval. The department of workforce development children and
20 families may not make any payments to a county for programs included in a contract
21 under review by the committee.

22 **SECTION 855.** 46.215 (2) (c) 3. of the statutes is amended to read:

23 46.215 (2) (c) 3. A county department of social services shall develop, under the
24 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
25 care and services to be purchased. The department of corrections may review the

1 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
2 federal funds are available for such purposes. The joint committee on finance may
3 require the department of corrections to submit the contracts to the committee for
4 review and approval. The department of corrections may not make any payments
5 to a county for programs included in a contract under review by the committee. The
6 department of corrections shall reimburse each county for the contracts from the
7 appropriations under s. 20.410 (3) (cd) and, (ko), and (r) as appropriate.

8 **SECTION 856.** 46.215 (3) of the statutes is amended to read:

9 46.215 (3) PROGRAM BUDGETS. The county department of social services shall
10 submit a final budget to the department of health and family services under s. 46.031
11 (1), to the department of corrections under s. 301.031 (1), and to the department of
12 workforce development children and families under s. 49.325 (1), for authorized
13 services.

14 **SECTION 857.** 46.22 (1) (b) 1. b. of the statutes is amended to read:

15 46.22 (1) (b) 1. b. To make investigations which relate to welfare services,
16 except as provided under ch. 48 and subch. III of ch. 49, upon request by the
17 department of health and family services.

18 **SECTION 858.** 46.22 (1) (b) 1. d. of the statutes is amended to read:

19 46.22 (1) (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for
20 services authorized in this section, except for the administration of and cost of aid
21 granted under ss. 49.02, 49.19 and 49.45 to 49.47 49.471.

22 **SECTION 859.** 46.22 (1) (b) 1. f. of the statutes is renumbered 46.22 (1) (b) 2. fm.

23 **SECTION 860.** 46.22 (1) (b) 2. (intro.) of the statutes is amended to read:

24 46.22 (1) (b) 2. (intro.) A county department of social services shall have the
25 following functions, duties, and powers in accordance with the rules promulgated by

1 the department of workforce-development children and families and subject to the
2 supervision of the department of workforce-development children and families:

3 **SECTION 861.** 46.22 (1) (b) 2. c. of the statutes is amended to read:

4 46.22 (1) (b) 2. c. To make investigations as provided under ch. 48 and subch.
5 III of ch. 49 upon request by the department of workforce-development children and
6 families.

7 **SECTION 862.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

8 46.22 (1) (b) 2. e. To make payments in such manner as the department of
9 workforce-development children and families may determine for training of
10 recipients, former recipients and potential recipients of aid in programs established
11 under ss. 49.193, 1997 stats., and s. 49.26 (1).

12 **SECTION 863.** 46.22 (1) (b) 2. g. of the statutes is amended to read:

13 46.22 (1) (b) 2. g. To make certification or referral of eligibles for state or federal
14 works or other assistance programs under ch. 48 and subch. III of ch. 49, eligibility
15 for which is based on need.

16 **SECTION 864.** 46.22 (1) (b) 3. (intro.) of the statutes is amended to read:

17 46.22 (1) (b) 3. (intro.) A county department of social services shall have the
18 following functions, duties, and powers in accordance with the rules promulgated
19 and standards established by the department of health and family services and
20 subject to the supervision of the department of workforce-development children and
21 families:

22 **SECTION 865.** 46.22 (1) (b) 3. d. of the statutes is amended to read:

23 46.22 (1) (b) 3. d. To submit a final budget to the department of workforce
24 development children and families in accordance with s. 49.325 for services
25 authorized in this subdivision.

1 **SECTION 866.** 46.22 (1) (c) 8. f. of the statutes is amended to read:

2 46.22 (1) (c) 8. f. The county department of social services shall implement the
3 statewide automated child welfare information system established by the
4 department under s. ~~46.03~~ 48.47 (7g).

5 **SECTION 867.** 46.22 (1) (d) of the statutes is amended to read:

6 46.22 (1) (d) *Merit system; records.* The county department of social services
7 is subject to s. 49.78 (4) to (7). The county department of social services and all county
8 officers and employees performing any duties in connection with the administration
9 of aid to families with dependent children shall observe all rules promulgated by the
10 department of ~~workforce development~~ children and families under s. 49.78 (4) and
11 shall keep records and furnish reports as the department of ~~workforce development~~
12 children and families requires in relation to their performance of such duties.

13 **SECTION 868.** 46.22 (1) (dm) of the statutes is amended to read:

14 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
15 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
16 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
17 services or tribal agency acting under this subsection may exchange confidential
18 information about a client, without the informed consent of the client, with any other
19 subunit of the same county department of social services or tribal agency, with a
20 resource center, a care management organization, or a family long-term care
21 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
22 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
23 lg., or with a person providing services to the client under a purchase of services
24 contract with the county department of social services or tribal agency or with a
25 resource center, a care management organization, or a family long-term care

1 district, if necessary to enable an employee or service provider to perform his or her
2 duties, or to enable the county department of social services or tribal agency to
3 coordinate the delivery of services to the client. An agency that releases information
4 under this paragraph shall document that a request for information was received
5 and what information was provided.

6 **SECTION 869.** 46.22 (1) (dp) of the statutes is amended to read:

7 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
8 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
9 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
10 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78
11 (2) (a), a county department under this section may enter the content of any record
12 kept or information received by that county department into the statewide
13 automated child welfare information system established under s. ~~46.03~~ 48.47 (7g).

14 **SECTION 870.** 46.22 (1) (e) 1. of the statutes is amended to read:

15 46.22 (1) (e) 1. In order to ensure the availability of a full range of care and
16 services, a county department of social services may contract, either directly or
17 through the department of health and family services, the department of workforce
18 development children and families, or the department of corrections, with public or
19 voluntary agencies or others to purchase, in full or in part, care and services which
20 the county department of social services is authorized by any statute to furnish in
21 any manner. The services may be purchased from the department of health and
22 family services, the department of workforce development children and families, or
23 the department of corrections if the department of health and family services, the
24 department of workforce development children and families, or the department of
25 corrections has staff to furnish the services. The county department of social

1 services, if it has adequate staff, may sell the care and services directly to another
2 county or state agency.

3 **SECTION 871.** 46.22 (1) (e) 2. of the statutes is amended to read:

4 46.22 (1) (e) 2. A county department of social services may purchase
5 development and training services from the department of health and family
6 services, the department of workforce development children and families, or the
7 department of corrections or from other county agencies if the services are available
8 or sell the development and staff training services to another county or state agency
9 if the county department of social services has adequate staff to provide the services.

10 **SECTION 872.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

11 46.22 (1) (e) 3. a. A county department of social services shall develop, under
12 the requirements of s. 46.036, plans and contracts for care and services, except under
13 ch. 48, subch. III of ch. 49, and s. 301.08 (2), to be purchased. The department of
14 health and family services may review the contracts and approve them if they are
15 consistent with s. 46.036 and to the extent that state or federal funds are available
16 for such purposes. The joint committee on finance may require the department of
17 health and family services to submit the contracts to the committee for review and
18 approval. The department of health and family services may not make any payments
19 to a county for programs included in the contract that is under review by the
20 committee. The department of health and family services shall reimburse each
21 county for the contracts from the appropriations under s. 20.435 (7) (b) and (c)
22 according to s. 46.495.

23 **SECTION 873.** 46.22 (1) (e) 3. b. of the statutes is amended to read:

24 46.22 (1) (e) 3. b. A county department of social services shall develop, under
25 the requirements of s. 49.34, plans and contracts for care and services under ch. 48

1 and subch. III of ch. 49 to be purchased. The department of workforce development
2 children and families may review the contracts and approve them if they are
3 consistent with s. 49.34 and to the extent that state or federal funds are available for
4 such purposes. The joint committee on finance may require the department of
5 workforce development children and families to submit the contracts to the
6 committee for review and approval. The department of workforce development
7 children and families may not make any payments to a county for programs included
8 in the contract that is under review by the committee.

9 **SECTION 874.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

10 46.22 (1) (e) 3. c. A county department of social services shall develop, under
11 the requirements of s. 301.08 (2), plans and contracts for juvenile
12 delinquency-related care and services to be purchased. The department of
13 corrections may review the contracts and approve them if they are consistent with
14 s. 301.08 (2) and to the extent that state or federal funds are available for such
15 purposes. The joint committee on finance may require the department of corrections
16 to submit the contracts to the committee for review and approval. The department
17 of corrections may not make any payments to a county for programs included in the
18 contract that is under review by the committee. The department of corrections shall
19 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
20 (cd) and, (ko), and (r) as appropriate.

21 **SECTION 875.** 46.22 (2g) (d) of the statutes is amended to read:

22 46.22 (2g) (d) Prepare, with the assistance of the county social services director
23 under sub. (3m) (b) 5., a proposed budget for submission to the county executive or
24 county administrator, a final budget for submission to the department of health and
25 family services in accordance with s. 46.031 (1) for authorized services, except

1 services under ch. 48, subch. III of ch. 49, or s. 301.08 (2), a final budget for
2 submission to the department of workforce development children and families in
3 accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch.
4 49, and a final budget for submission to the department of corrections in accordance
5 with s. 301.031 (1) for authorized juvenile delinquency-related services.

6 **SECTION 876.** 46.22 (3m) (b) 12. of the statutes is amended to read:

7 46.22 (3m) (b) 12. Establish priorities in addition to those mandated by the
8 department of health and family services, by the department of workforce
9 development children and families, or by the department of corrections.

10 **SECTION 877.** 46.22 (3m) (b) 17. b. of the statutes is amended to read:

11 46.22 (3m) (b) 17. b. Such other reports as are required by the secretary of
12 health and family services, the secretary of workforce development children and
13 families, the secretary of corrections, and the county board of supervisors.

14 **SECTION 878.** 46.23 (3) (a) of the statutes is amended to read:

15 46.23 (3) (a) *Creation.* Upon approval by the secretary of health and family
16 services, by the secretary of corrections, and by the secretary of workforce
17 development children and families of a feasibility study and a program
18 implementation plan, the county board of supervisors of any county with a
19 population of less than 500,000, or the county boards of supervisors of 2 or more
20 contiguous counties, each of which has a population of less than 500,000, may
21 establish by resolution a county department of human services on a single-county
22 or multicounty basis to provide the services required under this section. The county
23 department of human services shall consist of the county human services board, the
24 county human services director and necessary personnel.

25 **SECTION 879.** 46.23 (3) (am) 4. of the statutes is amended to read:

1 46.23 (3) (am) 4. No funds may be allocated to any multicounty department of
2 human services until the counties have drawn up a detailed contractual agreement,
3 approved by the secretary of health and family services, by the secretary of
4 corrections, and by the secretary of workforce development children and families,
5 setting forth the plan for joint sponsorship.

6 **SECTION 880.** 46.23 (3) (e) of the statutes is amended to read:

7 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
8 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
9 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of
10 human services or tribal agency acting under this section may exchange confidential
11 information about a client, without the informed consent of the client, with any other
12 subunit of the same county department of human services or tribal agency, with a
13 resource center, a care management organization, or a family long-term care
14 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
15 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
16 lg., or with a person providing services to the client under a purchase of services
17 contract with the county department of human services or tribal agency or with a
18 resource center, a care management organization, or a family long-term care
19 district, if necessary to enable an employee or service provider to perform his or her
20 duties, or to enable the county department of human services or tribal agency to
21 coordinate the delivery of services to the client. An agency that releases information
22 under this paragraph shall document that a request for information was received
23 and what information was provided.

24 **SECTION 881.** 46.23 (3) (ed) of the statutes is amended to read:

1 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
2 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
3 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (e) 55.22 (3), 146.82,
4 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78
5 (2) (a), a county department under this section may enter the content of any record
6 kept or information received by that county department into the statewide
7 automated child welfare information system established under s. 46.03 48.47 (7g).

8 **SECTION 882.** 46.23 (5) (a) 1. of the statutes is amended to read:

9 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
10 provided under ch. 48 and subch. III of ch. 49 and except for juvenile
11 delinquency–related policies, within limits established by the department of health
12 and family services. Policy decisions, except as provided under ch. 48 and subch. III
13 of ch. 49 and except for juvenile delinquency–related policies, not reserved by statute
14 for the department of health and family services may be delegated by the secretary
15 to the county human services board.

16 **SECTION 883.** 46.23 (5) (a) 2. of the statutes is amended to read:

17 46.23 (5) (a) 2. Shall determine administrative and program policies under ch.
18 48 and subch. III of ch. 49 within limits established by the department of workforce
19 development children and families. Policy decisions under ch. 48 and subch. III of
20 ch. 49 not reserved by statute for the department of workforce development children
21 and families may be delegated by the secretary of workforce development children
22 and families to the county human services board.

23 **SECTION 884.** 46.23 (5) (b) of the statutes is amended to read:

1 46.23 (5) (b) Shall establish priorities in addition to those mandated by the
2 department of health and family services, the department of corrections, or the
3 department of workforce development children and families.

4 **SECTION 885.** 46.23 (5) (c) 1. of the statutes is amended to read:

5 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
6 services under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related
7 services, are provided or purchased or contracted for with local providers, and
8 monitor the performance of such contracts. Purchase of services contracts shall be
9 subject to the conditions specified in s. 46.036.

10 **SECTION 886.** 46.23 (5) (c) 2. of the statutes is amended to read:

11 46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48
12 and subch. III of ch. 49 are provided or purchased or contracted for with local
13 providers, and monitor the performance of such contracts. Purchase of services
14 contracts shall be subject to the conditions specified in s. 49.34.

15 **SECTION 887.** 46.23 (5) (n) 1. of the statutes is amended to read:

16 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
17 authorized services, except for services under ch. 48 and subch. III of ch. 49 and
18 juvenile delinquency-related services. Notwithstanding the categorization of or
19 limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval
20 of the department of health and family services the county human services board
21 may expend these funds consistent with any service provided under s. 46.495 or
22 51.42.

23 **SECTION 888.** 46.23 (5) (n) 2. of the statutes is amended to read:

24 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for
25 authorized services under ch. 48 and subch. III of ch. 49. Notwithstanding the

1 categorization of or limits specified for funds allocated under s. 48.569, with the
2 approval of the department of children and families the county human services board
3 may expend these funds consistent with any service provided under s. 48.569.

4 **SECTION 889.** 46.23 (5m) (c) of the statutes is amended to read:

5 46.23 (5m) (c) Prepare, with the assistance of the county human services
6 director under sub. (6m) (e), a proposed budget for submission to the county executive
7 or county administrator, a final budget for submission to the department of health
8 and family services in accordance with s. 46.031 (1) for authorized services, except
9 services under ch. 48 and subch. III of ch. 49 and juvenile delinquency-related
10 services, a final budget for submission to the department of ~~workforce development~~
11 children and families in accordance with s. 49.325 for authorized services under ch.
12 48 and subch. III of ch. 49, and a final budget for submission to the department of
13 corrections in accordance with s. 301.031 for authorized juvenile
14 delinquency-related services.

15 **SECTION 890.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

16 46.23 (6) (a) (intro.) A county human services director appointed under sub. (5)
17 (f) shall have all of the administrative and executive powers and duties of managing,
18 operating, maintaining, and improving the programs of the county department of
19 human services, subject to the rules promulgated by the department of health and
20 family services for programs, except services or programs under ch. 48 and subch.
21 III of ch. 49 and juvenile delinquency-related services or programs, subject to the
22 rules promulgated by the department of ~~workforce development~~ children and
23 families for services or programs under ch. 48 and subch. III of ch. 49, and subject
24 to the rules promulgated by the department of corrections for juvenile
25 delinquency-related services or programs. In consultation with the county human

1 services board under sub. (5) and subject to its approval, the county human services
2 director shall prepare:

3 **SECTION 891.** 46.23 (6) (a) 3. of the statutes is amended to read:

4 46.23 (6) (a) 3. Such other reports as are required by the secretary of health and
5 family services, by the secretary of corrections, or by the secretary of workforce
6 development children and families and the county board of supervisors in a county
7 with a single-county department of human services or the county boards of
8 supervisors in counties with a multicounty department of human services.

9 **SECTION 892.** 46.24 of the statutes is renumbered 48.375 (9) and amended to
10 read:

11 48.375 (9) ASSISTANCE TO MINORS CONCERNING PARENTAL CONSENT FOR ABORTION.
12 If a minor who is contemplating an abortion requests assistance from a county
13 department under s. 46.215, 46.22 or 46.23 in seeking the consent of the minor's
14 parent, guardian, or legal custodian, or in seeking the consent of an adult family
15 member, as defined in s. 48.375 (2) (b), for the contemplated abortion or in seeking
16 a waiver from the circuit court, the county department shall provide assistance,
17 including, if so requested, accompanying the minor as appropriate.

18 **SECTION 893.** 46.247 of the statutes is renumbered 49.345 (14) (g) and amended
19 to read:

20 49.345 (14) (g) *Application of child support standard for certain children.* For
21 purposes of determining child support under s. 46.10 (14) par. (b), the department
22 shall promulgate rules related to the application of the standard established by the
23 department of workforce development under s. 49.22 (9) to a child support obligation
24 for the care and maintenance of a child who is placed by a court order under s. 48.355
25 or 48.357 in a residential, nonmedical facility. The rules shall take into account the

1 needs of any person, including dependent children other than the child, whom either
2 parent is legally obligated to support.

3 SECTION 894. 46.261 (title) of the statutes is renumbered 48.645 (title).

4 SECTION 895. 46.261 (1) of the statutes is renumbered 48.645 (1).

5 SECTION 896. 46.261 (2) (title) of the statutes is renumbered 48.645 (2) (title).

6 SECTION 897. 46.261 (2) (a) (intro.) of the statutes is renumbered 48.645 (2) (a)
7 (intro.).

8 SECTION 898. 46.261 (2) (a) 1. of the statutes is renumbered 48.645 (2) (a) 1. and
9 amended to read:

10 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
11 home or treatment foster home having a license under s. 48.62, in a foster home or
12 treatment foster home located within the boundaries of a federally recognized
13 American Indian reservation in this state and licensed by the tribal governing body
14 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
15 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
16 custodial parent who cares for the dependent child, regardless of the cause or
17 prospective period of dependency. The state shall reimburse counties pursuant to the
18 procedure under s. 46.495 48.569 (2) and the percentage rate of participation set
19 forth in s. 46.495 48.569 (1) (d) for aid granted under this section except that if the
20 child does not have legal settlement in the granting county, state reimbursement
21 shall be at 100%. The county department under s. 46.215 or, 46.22, or 46.23 or the
22 department under s. 48.48 (17) shall determine the legal settlement of the child. A
23 child under one year of age shall be eligible for aid under this subsection irrespective
24 of any other residence requirement for eligibility within this section.

1 **SECTION 899.** 46.261 (2) (a) 2. of the statutes is renumbered 48.645 (2) (a) 2. and
2 amended to read:

3 48.645 (2) (a) 2. A county or, in a county having a population of 500,000 or more,
4 the department, on behalf of a child in the legal custody of a county department under
5 s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or on behalf of a child
6 who was removed from the home of a relative, as defined under s. 48.02 (15), as a
7 result of a judicial determination that continuance in the home of a relative would
8 be contrary to the child's welfare for any reason when such the child is placed in a
9 licensed child caring institution residential care center for children and youth by the
10 county department or the department. Reimbursement shall be made by the state
11 pursuant to as provided in subd. 1.

12 **SECTION 900.** 46.261 (2) (a) 3. of the statutes is renumbered 48.645 (2) (a) 3. and
13 amended to read:

14 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
15 the department, when the child is placed in a licensed foster home, treatment foster
16 home, group home, or residential care center for children and youth or in a subsidized
17 guardianship home by a licensed child welfare agency or by a federally recognized
18 American Indian tribal governing body in this state or by its designee, if the child is
19 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
20 department under s. 48.48 (17) or if the child was removed from the home of a
21 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
22 continuance in the home of the relative would be contrary to the child's welfare for
23 any reason and the placement is made pursuant to under an agreement with the
24 county department or the department.

1 **SECTION 901.** 46.261 (2) (a) 4. of the statutes is renumbered 48.645 (2) (a) 4. and
2 amended to read:

3 48.645 (2) (a) 4. A licensed foster home, treatment foster home, group home,
4 or residential care center for children and youth or a subsidized guardianship home
5 when the child is in the custody or guardianship of the state, when the child is a ward
6 of an American Indian tribal court in this state and the placement is made under an
7 agreement between the department and the tribal governing body, or when the child
8 was part of the state's direct service case load and was removed from the home of a
9 relative, as defined under s. 48.02 (15), as a result of a judicial determination that
10 continuance in the home of a relative would be contrary to the child's welfare for any
11 reason and the child is placed by the department.

12 **SECTION 902.** 46.261 (2) (b) of the statutes is renumbered 48.645 (2) (b).

13 **SECTION 903.** 46.261 (3) of the statutes is renumbered 48.645 (3).

14 **SECTION 904.** 46.27 (4) (am) of the statutes is amended to read:

15 46.27 (4) (am) If ~~a local long-term care council in a county~~ the governing board
16 of a resource center assumes under s. 46.282 (3) (b) ~~46.283 (6) (b) 10.~~ the duties of the
17 county long-term support planning committee under this subsection, the county
18 long-term support planning committee for the county is dissolved.

19 **SECTION 905.** 46.27 (4) (c) (intro.) of the statutes is amended to read:

20 46.27 (4) (c) (intro.) The planning committee shall develop, or, if ~~a local~~
21 ~~long-term care council~~ the governing board of a resource center has under s. 46.282
22 ~~(3) (b) 46.283 (6) (b) 10.~~ assumed the duties of the planning committee, the local
23 ~~long-term care council~~ governing board of the resource center shall recommend a
24 community options plan for participation in the program. The plan shall include:

25 **SECTION 906.** 46.27 (4) (c) 5. of the statutes is amended to read:

1 46.27 (4) (c) 5. A description of the method to be used by the committee or, if
2 ~~a local long-term care council~~ the governing board of a resource center has under
3 s. 46.282 (3) (b) 46.283 (6) (b) 10, assumed the duties of the planning committee, the
4 ~~local long-term care council governing board of the resource center~~ to monitor the
5 implementation of the program.

6 **SECTION 907.** 46.27 (4) (c) 8. of the statutes is amended to read:

7 46.27 (4) (c) 8. If a contract with an entity under s. 46.281 (1) (e) ~~1~~ 46.284 (2)
8 is established in the county, a description of how the activities of the entity relate to
9 and are coordinated with the county's proposed program.

10 **SECTION 908.** 46.27 (5) (am) of the statutes is amended to read:

11 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
12 department or aging unit shall utilize persons for each assessment who can
13 determine the needs of the person being assessed and who know the availability
14 within the county of services alternative to placement in a nursing home. If any
15 hospital patient is referred to a nursing home for admission, these persons shall work
16 with the hospital discharge planner in performing the activities specified in sub. (6).
17 The county department or aging unit shall coordinate the involvement of
18 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
19 51.437, health service providers and the county commission on aging in the
20 assessment activities specified in sub. (6), as well as the person being assessed and
21 members of the person's family or the person's guardian. This paragraph does not
22 apply to a county department or aging unit in a county in which the department has
23 contracted with an entity under s. 46.281 (1) (e) ~~1~~ 46.284 (2).

24 **SECTION 909.** 46.27 (5) (j) of the statutes is created to read:

1 46.27 (5) (j) Within the time period specified by the department, offer
2 counseling, that is specified by the department, concerning public and private
3 benefit programs to prospective residents of community-based residential facilities
4 who are referred to the county department or aging unit under s. 50.035 (4n).

5 **SECTION 910.** 46.27 (6) (a) 3. of the statutes is amended to read:

6 46.27 (6) (a) 3. In each participating county, except in counties in which the
7 department has contracted with an entity under s. ~~46.281 (1) (e) 1.~~ 46.284 (2),
8 assessments shall be conducted for those persons and in accordance with the
9 procedures described in the county's community options plan. The county may elect
10 to establish assessment priorities for persons in target groups identified by the
11 county in its plan regarding gradual implementation. If a person who is already
12 admitted to a nursing home requests an assessment and if funds allocated for
13 assessments under sub. (7) (am) are available, the county shall conduct the
14 assessment.

15 **SECTION 911.** 46.27 (6g) (intro.) of the statutes is amended to read:

16 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
17 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
18 assessment, unless the assessment is performed by an entity under a contract as
19 specified under s. ~~46.281 (1) (e) 1.~~ 46.284 (2), case plan, or services provided to a
20 person under this section is as follows:

21 **SECTION 912.** 46.27 (6u) (c) 1. a. of the statutes is amended to read:

22 46.27 (6u) (c) 1. a. Eligible for medical assistance under s. 49.46, 49.468 or,
23 49.47, or 49.471 (4) (a).

24 **SECTION 913.** 46.27 (6u) (d) (intro.) of the statutes is amended to read:

1 46.27 (6u) (d) (intro.) In determining financial eligibility under par. (c) 1. and
2 in calculating the amount under par. (c) 2., the county department or aging unit shall
3 include as the assets for any person, except those persons who are eligible for medical
4 assistance under s. 49.46, 49.468 or 49.47, or 49.471 (4) (a), any portion of assets that
5 the person or the person's spouse has, after August 12, 1993, transferred to another
6 as specified in par. (b), unless one of the following conditions applies:

7 **SECTION 914.** 46.27 (7) (am) of the statutes is amended to read:

8 46.27 (7) (am) From the appropriation under s. 20.435 (7) (bd), the department
9 shall allocate funds to each county or private nonprofit agency with which the
10 department contracts to pay assessment and case plan costs under sub. (6) not
11 otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall reimburse
12 counties for the cost of assessing persons eligible for medical assistance under s.
13 49.46, 49.468, or 49.47, or 49.471 (4) (a) as part of the administrative services of
14 medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds
15 allocated under this paragraph to pay the cost of long-term community support
16 services and for a risk reserve under par. (fr).

17 **SECTION 915.** 46.27 (7) (b) of the statutes is amended to read:

18 46.27 (7) (b) From the appropriations under s. 20.435 (7) (bd) and (im), the
19 department shall allocate funds to each county to pay the cost of providing long-term
20 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to
21 persons eligible for medical assistance under s. 49.46 or 49.47, or 49.471 (4) (a) or
22 to persons whom the county department or aging unit administering the program
23 finds likely to become medically indigent within 6 months by spending excess income
24 or assets for medical or remedial care. The average per person reimbursement under
25 this paragraph may not exceed the state share of the average per person payment

1 rate the department expects under s. 49.45 (6m). The county department or aging
2 unit administering the program may spend funds received under this paragraph
3 only in accordance with the case plan and service contract created for each person
4 receiving long-term community support services. Counties may use unspent funds
5 allocated under this paragraph from the appropriation under s. 20.435 (7) (bd) for a
6 risk reserve under par. (fr).

7 **SECTION 916.** 46.27 (7) (cj) 3. a. of the statutes is repealed.

8 **SECTION 917.** 46.27 (7) (fr) 3. c. of the statutes is amended to read:

9 46.27 (7) (fr) 3. c. If approved by a resolution of the county board of supervisors,
10 to transfer funds to a family long-term care district.

11 **SECTION 918.** 46.27 (9) (a) of the statutes is amended to read:

12 46.27 (9) (a) The department may select up to 5 counties that volunteer to
13 participate in a pilot project under which they will receive certain funds allocated for
14 long-term care. The department shall allocate a level of funds to these counties
15 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), (~~gp~~), ~~or~~ (w),
16 or (xd) to nursing homes for providing care because of increased utilization of nursing
17 home services, as estimated by the department. In estimating these levels, the
18 department shall exclude any increased utilization of services provided by state
19 centers for the developmentally disabled. The department shall calculate these
20 amounts on a calendar year basis under sub. (10).

21 **SECTION 919.** 46.27 (9) (c) of the statutes is amended to read:

22 46.27 (9) (c) All long-term community support services provided under this
23 pilot project in lieu of nursing home care shall be consistent with those services
24 described in the participating county's community options plan under sub. (4) (c) 1.
25 and provided under sub. (5) (b). Unless the department has contracted under s.

1 46.281 (1) (e) 1. 46.284 (2) with an entity other than the county department, each
2 county participating in the pilot project shall assess persons under sub. (6).

3 **SECTION 920.** 46.27 (10) (a) 1. of the statutes is amended to read:

4 46.27 (10) (a) 1. The department shall determine for each county participating
5 in the pilot project under sub. (9) a funding level of state medical assistance
6 expenditures to be received by the county. This level shall equal the amount that the
7 department determines would otherwise be paid under s. 20.435 (4) (b), ~~(gp)~~, or (w),
8 or (xd), or because of increased utilization of nursing home services, as estimated by
9 the department.

10 **SECTION 921.** 46.27 (11) (c) 5n. a. of the statutes is repealed.

11 **SECTION 922.** 46.275 (1m) (a) of the statutes is amended to read:

12 46.275 (1m) (a) "Medical assistance" means aid provided under subch. IV of ch.
13 49, except s. ss. 49.468 and 49.471.

14 **SECTION 923.** 46.275 (5) (a) of the statutes is amended to read:

15 46.275 (5) (a) Medical Assistance reimbursement for services a county, or the
16 department under sub. (3r), provides under this program is available from the
17 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd). If 2 or more
18 counties jointly contract to provide services under this program and the department
19 approves the contract, Medical Assistance reimbursement is also available for
20 services provided jointly by these counties.

21 **SECTION 924.** 46.275 (5) (c) of the statutes is amended to read:

22 46.275 (5) (c) The total allocation under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and
23 (xd) to counties and to the department under sub. (3r) for services provided under
24 this section may not exceed the amount approved by the federal department of health
25 and human services. A county may use funds received under this section only to

1 provide services to persons who meet the requirements under sub. (4) and may not
2 use unexpended funds received under this section to serve other developmentally
3 disabled persons residing in the county.

4 **SECTION 926.** 46.277 (1m) (a) of the statutes is amended to read:

5 46.277 (1m) (a) “Medical assistance” means aid provided under subch. IV of ch.
6 49, except s. ss. 49.468 and 49.471.

7 **SECTION 927.** 46.277 (3) (d) of the statutes is created to read:

8 46.277 (3) (d) The county department or aging unit that administers the
9 program under this section shall, within the time period specified by the department,
10 offer counseling, that is specified by the department, concerning public and private
11 benefit programs to prospective residents of community-based residential facilities
12 who are referred to the county department or aging unit under s. 50.035 (4n).

13 **SECTION 928.** 46.277 (5) (d) 1n. a. of the statutes is repealed.

14 **SECTION 930.** 46.278 (1m) (b) of the statutes is amended to read:

15 46.278 (1m) (b) “Medical assistance” means aid provided under subch. IV of ch.
16 49, except s. ss. 49.468 and 49.471.

17 **SECTION 931.** 46.278 (6) (d) of the statutes is amended to read:

18 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
19 share of service costs under a waiver received under sub. (3), the department may,
20 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services
21 that the county provides under this section to persons who are in addition to those
22 who may be served under this section with funds from the appropriation account
23 under s. 20.435 (4) (b) ~~or (w)~~, or (xd).

24 **SECTION 932.** 46.2785 (5) (a) of the statutes is amended to read:

1 46.2785 (5) (a) Medical assistance reimbursement for services a county or
2 private agency contracts for or provides under the waiver program shall be made
3 from the appropriation accounts under s. 20.435 (4) (b) and, (o), and (xd).

4 SECTION 933. 46.28 (1) (f) of the statutes is amended to read:

5 46.28 (1) (f) "Victim of domestic abuse" means an individual who has
6 encountered domestic abuse, as defined in s. 46.95 49.165 (1) (a).

7 SECTION 934. 46.2803 (2) of the statutes is created to read:

8 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management
9 organization is operating pursuant to a contract under s. 46.284 (2) or a county in
10 which a program described under s. 46.2805 (1) (a) or (b) is administered may use
11 funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27
12 (7) to provide community mental health or substance abuse services and supports for
13 persons with mental illness or persons in need of services or supports for substance
14 abuse and to provide services under the Family Support Program under s. 46.985.

15 SECTION 935. 46.2804 (title) of the statutes is amended to read:

16 46.2804 (title) ~~Managed care programs for~~ Client management of
17 managed care long-term care services benefit.

18 SECTION 936. 46.2804 (1) of the statutes is repealed.

19 SECTION 937. 46.2804 (2) of the statutes is renumbered 46.2804.

20 SECTION 938. 46.2805 (5) of the statutes is renumbered 46.2805 (7r) and
21 amended to read:

22 46.2805 (7r) "Family Long-term care district" means a special purpose district
23 created under s. 46.2895 (1).

24 SECTION 939. 46.2805 (6) of the statutes is renumbered 46.2805 (7u) and
25 amended to read:

1 46.2805 (7u) "Family Long-term care district board" means the governing
2 board of a family long-term care district.

3 SECTION 940. 46.2805 (6m) of the statutes is created to read:

4 46.2805 (6m) "Family member" means a spouse or an individual related by
5 blood, marriage, or adoption within the 3rd degree of kinship as computed under s.
6 990.001 (16).

7 SECTION 941. 46.2805 (6r) of the statutes is created to read:

8 46.2805 (6r) "Financial and cost-sharing screening" means a screening to
9 determine financial eligibility under s. 46.286 (1) (b) and cost-sharing under s.
10 46.286 (2) using a uniform tool prescribed by the department.

11 SECTION 942. 46.2805 (6v) of the statutes is created to read:

12 46.2805 (6v) "Frail elder" means an individual who is 65 years of age or older
13 and has a physical disability or irreversible dementia that restricts the individual's
14 ability to perform normal daily tasks or that threatens the capacity of the individual
15 to live independently.

16 SECTION 943. 46.2805 (7) of the statutes is amended to read:

17 46.2805 (7) "~~Functional and financial screen~~ screening" means a screen
18 ~~prescribed by the department that is used~~ screening to determine functional
19 eligibility under s. 46.286 (1) (a) and ~~financial eligibility under s. 46.286 (1) (b) using~~
20 a uniform tool prescribed by the department.

21 SECTION 944. 46.2805 (7m) of the statutes is repealed.

22 SECTION 944r. 46.281 (title) of the statutes is amended to read:

23 46.281 (title) **Powers and duties of the department and the, secretary,**
24 **and counties; long-term care.**

1 **SECTION 945.** 46.281 (1) (intro.) of the statutes is renumbered 46.281 (1n)
2 (intro.), and 46.281 (1n) (title), as renumbered, is amended to read:

3 46.281 (1n) (title) DUTIES OTHER DUTIES OF THE DEPARTMENT.

4 **SECTION 946.** 46.281 (1) (c) of the statutes is renumbered 46.281 (1d) and
5 amended to read:

6 46.281 (1d) WAIVER REQUEST. Request The department shall request from the
7 secretary of the federal department of health and human services any waivers of
8 federal medicaid laws necessary to permit the use of federal moneys to provide the
9 family care benefit to recipients of medical assistance. The department shall
10 implement any waiver that is approved and that is consistent with ss. 46.2805 to
11 46.2895. Regardless of whether a waiver is approved, the department may
12 implement operation of resource centers, care management organizations, and the
13 family care benefit.

14 **SECTION 947m.** 46.281 (1) (d) of the statutes is renumbered 46.281 (1g) (b) and
15 amended to read:

16 46.281 (1g) (b) ~~In geographic areas in which, in the aggregate, resides no more~~
17 ~~than 29 percent of the state population that is eligible for the family care benefit,~~
18 ~~contract with a county, a family care district, a tribe or band, the Great Lakes~~
19 ~~Inter-Tribal Council, Inc., or with 2 or more of these entities to manage all long-term~~
20 ~~care programs and administer the family care benefit as care management~~
21 ~~organizations. If the department proposes to contract with these entities to~~
22 ~~administer care management organizations~~ the family care benefit in geographic
23 areas in which, in the aggregate, resides more than 29 percent but less than 50
24 percent of the state population that is eligible for the family care benefit, the
25 department shall first notify the joint committee on finance in writing of the

1 proposed contract. The notification shall include the contract proposal; and an
2 estimate of the fiscal impact of the proposed addition that demonstrates that the
3 addition will be cost neutral, including startup, transitional, and ongoing
4 operational costs and any proposed county contribution. The notification shall also
5 include, for each county affected by the proposal, documentation that the county
6 consents to administration of the family care benefit in the county, the amount of the
7 county's payment or reduction in community aids under s. 46.281 (4), and a proposal
8 by the county for using any savings in county expenditures on long-term care that
9 result from administration of the family care benefit in the county. If the
10 cochairpersons of the committee do not notify the department within 14 working
11 days after the date of the department's notification that the committee has scheduled
12 a meeting for the purpose of reviewing the proposed contract, the department may
13 enter into the proposed contract. If within 14 working days after the date of the
14 department's notification the cochairpersons of the committee notify the department
15 that the committee has scheduled a meeting for the purpose of reviewing the
16 proposed contract, the department may enter into the proposed contract only upon
17 approval of if the committee. ~~The department may contract with these entities to~~
18 ~~administer care management organizations in geographic areas in which, in the~~
19 ~~aggregate, resides 50 percent or more of the state population that is eligible for the~~
20 ~~family care benefit only if specifically authorized by the legislature and if the~~
21 ~~legislature appropriates necessary funding approves the proposed contract or if the~~
22 ~~committee fails to act on the proposed contract within 59 working days after the date~~
23 ~~of the department's notification.~~

24 **SECTION 948.** 46.281 (1) (e) of the statutes is repealed.

25 **SECTION 949.** 46.281 (1) (f) of the statutes is renumbered 46.281 (1n) (a).

1 **SECTION 950.** 46.281 (1) (g) of the statutes is renumbered 46.281 (1n) (b).

2 **SECTION 951.** 46.281 (1) (h) of the statutes is renumbered 46.281 (1n) (c).

3 **SECTION 952.** 46.281 (1) (i) of the statutes is repealed.

4 **SECTION 952m.** 46.281 (1g) (title) of the statutes is created to read:

5 **46.281 (1g) (title)** CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT

6 **ORGANIZATIONS.**

7 **SECTION 953.** 46.281 (1g) (a) of the statutes is created to read:

8 **46.281 (1g) (a)** Subject to par. (b), the department may contract with entities

9 as provided under s. 46.283 (2) to provide the services under s. 46.283 (3) and (4) as

10 resource centers in any geographic area in the state, and may contract with entities

11 as provided under s. 46.284 (2) to administer the family care benefit as care

12 management organizations in any geographic area in the state.

13 **SECTION 954.** 46.281 (1n) (d) of the statutes is created to read:

14 **46.281 (1n) (d) 1.** Establish regions for long-term care advisory committees

15 under s. 46.2825, periodically review the boundaries of the regions, and, as

16 appropriate, revise the boundaries.

17 2. Specify the number of members that each governing board of a resource

18 center shall appoint to a regional long-term care advisory committee. The total

19 number of committee members shall not exceed 25, and the department shall allot

20 committee membership equally among the governing boards of resource centers

21 operating within the boundaries of the regional long-term care advisory committee.

22 3. Provide information and staff assistance to assist regional long-term care

23 advisory committees in performing the duties under s. 46.2825 (2).

24 **SECTION 954m.** 46.281 (1n) (e) of the statutes is created to read:

1 46.281 (1n) (e) Contract with a person to provide the advocacy services
2 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
3 care benefit who are under age 60 or to their families or guardians. The department
4 may not contract under this paragraph with a county or with a person who has a
5 contract with the department to provide services under s. 46.283 (3) and (4) as a
6 resource center or to administer the family care benefit as a care management
7 organization. The contract under this paragraph shall include as a goal that the
8 provider of advocacy services provide one advocate for every 2,500 individuals under
9 age 60 who receive the family care benefit. The department shall allocate \$190,000
10 for the contract under this paragraph in fiscal year 2007-08 and \$525,000 in each
11 subsequent fiscal year.

12 SECTION 955. 46.281 (2) (title) of the statutes is amended to read:

13 46.281 (2) (title) POWERS OTHER POWERS OF THE DEPARTMENT.

14 SECTION 956. 46.281 (3) of the statutes is amended to read:

15 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
16 hospital, nursing home, community-based residential facility, adult family home
17 and residential care apartment complex the date on which a resource center that
18 serves the area of the county, hospital, nursing home, community-based residential
19 facility, adult family home or residential care apartment complex is first available
20 to provide a perform functional screenings and financial screen and cost-sharing
21 screenings. To facilitate phase-in of services of resource centers, the secretary may
22 certify that the resource center is available for specified groups of eligible individuals
23 or for specified facilities in the county.

24 SECTION 956g. 46.281 (4) of the statutes is created to read:

1 46.281 (4) COUNTY CONTRIBUTION. (a) In this subsection, "base amount" means
2 the amount that a county expended in calendar year 2006, as determined by the
3 department, to provide long-term care services to individuals who would have been
4 eligible for the family care benefit in calendar year 2006 if the family care benefit had
5 been available to residents of the county.

6 (b) Except as provided in par. (c), each county in which the department has a
7 contract with an entity to administer the family care benefit shall in each year of the
8 contract either pay the department the following amount or agree to reduce the
9 community aids distribution to the county under s. 46.40 (2) by the following amount:

10 1. If the base amount for the county is less than or equal to 22 percent of the
11 calendar year 2006 community aids distribution to the county under s. 46.40 (2), the
12 base amount.

13 2. If the base amount for the county is greater than 22 percent of the calendar
14 year 2006 community aids distribution to the county under s. 46.40 (2), the following
15 amounts in the following years:

16 a. For the first year that the department contracts for administration of the
17 family care benefit in the county, the base amount for the county.

18 b. For the 2nd, 3rd, and 4th years that the department contracts for
19 administration of the family care benefit in the county, the amount from the previous
20 year minus 25 percent of the difference between the base amount for the county and
21 22 percent of the calendar year 2006 community aids distribution to the county under
22 s. 46.40 (2).

23 c. For the 5th year and each subsequent year that the department contracts for
24 administration of the family care benefit in the county, 22 percent of the calendar
25 year 2006 community aids distribution to the county under s. 46.40 (2).

1 (c) Each county in which the department has a contract with an entity to
2 administer the family care benefit, and in which the department had such a contract
3 before January 1, 2006, shall annually either pay the department or agree to reduce
4 the community aids distribution to the county under s. 46.40 (2) by the amount that
5 the county paid the department, or by which the county's community aids
6 distribution was reduced, in calendar year 2006 to fund the program under ss.
7 46.2805 to 46.2895.

8 (d) The department shall deposit payments made by counties under this
9 subsection in the appropriation account under s. 20.435 (7) (g).

10 **SECTION 957.** 46.282 (title) of the statutes is repealed.

11 **SECTION 958.** 46.282 (2) of the statutes is repealed.

12 **SECTION 959.** 46.282 (3) (title) of the statutes is repealed.

13 **SECTION 960.** 46.282 (3) (a) (intro.) of the statutes is repealed.

14 **SECTION 961.** 46.282 (3) (a) 1. of the statutes is repealed.

15 **SECTION 962.** 46.282 (3) (a) 2. of the statutes is repealed.

16 **SECTION 963.** 46.282 (3) (a) 3. of the statutes is repealed.

17 **SECTION 964.** 46.282 (3) (a) 4. of the statutes is repealed.

18 **SECTION 965.** 46.282 (3) (a) 5. of the statutes is repealed.

19 **SECTION 966.** 46.282 (3) (a) 6. of the statutes is repealed.

20 **SECTION 967.** 46.282 (3) (a) 7. of the statutes is repealed.

21 **SECTION 968.** 46.282 (3) (a) 8. of the statutes is renumbered 46.2825 (2) (e) and
22 amended to read:

23 46.2825 (2) (e) Monitor ~~the pattern of~~ enrollments and disenrollments in local
24 care management organizations that provide services in the committee's region.

1 **SECTION 969.** 46.282 (3) (a) 9. of the statutes is renumbered 46.283 (6) (b) 3. and
2 amended to read:

3 46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and
4 community resources and develop strategies to build local capacity to serve older
5 persons and persons with physical or developmental disabilities needed by
6 individuals belonging to the client groups served by the resource center, especially
7 those with long-term care needs.

8 **SECTION 970.** 46.282 (3) (a) 10. of the statutes is renumbered 46.2825 (2) (g) and
9 amended to read:

10 46.2825 (2) (g) Perform long-range planning on long-term care policy for older
11 persons and persons with physical or developmental disabilities individuals
12 belonging to the client groups served by the resource center.

13 **SECTION 971.** 46.282 (3) (a) 11. of the statutes is renumbered 46.283 (6) (b) 8.
14 and amended to read:

15 46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the
16 resource center and care management ~~organization or organizations~~ that provide
17 services in the area served by the resource center and make recommendations, as
18 appropriate, on the interaction between the resource center and the care
19 management ~~organization or organizations~~ to assure coordination between or
20 among them and to assure access to and timeliness in provision of services by the
21 resource center and the care management organizations.

22 **SECTION 972.** 46.282 (3) (a) 12. of the statutes is renumbered 46.283 (6) (b) 9.
23 and amended to read:

24 46.283 (6) (b) 9. Annually review Review the number and types of complaints
25 and grievances about and appeals concerning the long-term care system by persons

1 ~~who receive or may receive care under the system in the area served by the resource~~
2 ~~center, to determine if a need exists for system changes, and recommend system or~~
3 ~~other changes if appropriate.~~

4 **SECTION 973.** 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6.
5 and amended to read:

6 46.283 (6) (b) 6. Identify potential new sources of community resources and
7 funding for needed services for older persons and persons with physical or
8 developmental disabilities individuals belonging to the client groups served by the
9 resource center.

10 **SECTION 974.** 46.282 (3) (a) 14. of the statutes is repealed.

11 **SECTION 975.** 46.282 (3) (a) 15. of the statutes is repealed.

12 **SECTION 976.** 46.282 (3) (b) of the statutes is renumbered 46.283 (6) (b) 10. and
13 amended to read:

14 46.283 (6) (b) 10. ~~A local long-term care council may, within the local~~
15 ~~long-term care council's area~~ If directed to do so by the county board, assume the
16 duties of the county long-term community support planning committee as specified
17 under s. 46.27 (4) for a county served by the resource center.

18 **SECTION 977.** 46.2825 of the statutes is created to read:

19 **46.2825 Regional long-term care advisory committees. (1) CREATION.**
20 The governing board of each resource center operating in a region established by the
21 department under s. 46.281 (1n) (d) 1. shall appoint the number of its members that
22 is specified by the department under s. 46.281 (1n) (d) 2. to a regional long-term care
23 advisory committee. At least 50 percent of the persons a resource center board
24 appoints to a regional long-term care advisory committee shall be older persons or

1 persons with a physical or developmental disability or their family members,
2 guardians, or other advocates.

3 (2) DUTIES. A regional long-term care advisory committee shall do all of the
4 following:

5 (a) Evaluate the performance of care management organizations and entities
6 that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's
7 region with respect to responsiveness to recipients of their services, fostering choices
8 for recipients, and other issues affecting recipients; and make recommendations
9 based on the evaluation to the department and to the care management
10 organizations and entities, as appropriate.

11 (b) Evaluate the performance of resource centers operating in the committee's
12 region and, as appropriate, make recommendations, concerning their performance
13 to the department and the resource centers.

14 (c) Monitor grievances and appeals made to care management organizations
15 or entities that operate a program described under s. 46.2805 (1) (a) or (b) within the
16 committee's region.

17 (d) Review utilization of long-term care services in the committee's region.

18 (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards
19 of resources centers operating in the committee's region and other available
20 information, identify any gaps in the availability of services, living arrangements,
21 and community resources needed by older persons and persons with physical or
22 developmental disabilities, and develop strategies to build capacity to provide those
23 services, living arrangements, and community resources in the committee's region.

1 (h) Annually report to the department regarding significant achievements and
2 problems relating to the provision of long-term care services in the committee's
3 region.

4 **SECTION 978.** 46.283 (1) (a) 2. of the statutes is amended to read:

5 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to
6 the department for a contract to operate a resource center.

7 **SECTION 979.** 46.283 (2) (a) of the statutes is repealed.

8 **SECTION 980.** 46.283 (2) (b) of the statutes is renumbered 46.283 (2), and 46.283
9 (2) (intro.) and (b), as renumbered, are amended to read:

10 46.283 (2) (intro.) ~~After June 30, 2001, the~~ The department may, ~~if the~~
11 ~~applicable review conditions under s. 46.281 (1) (e) 2. are satisfied,~~ contract to
12 operate a resource center with counties, family long-term care districts, or the
13 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under
14 a joint application of any of these, or with a private nonprofit organization if the
15 department determines that the organization has no significant connection to an
16 entity that operates a care management organization and if any of the following
17 applies:

18 (b) A county agency or a family long-term care district applies for a contract
19 but fails to meet the standards specified in sub. (3).

20 **SECTION 981.** 46.283 (3) (h) of the statutes is repealed.

21 **SECTION 982.** 46.283 (3) (i) of the statutes is repealed.

22 **SECTION 983.** 46.283 (3) (k) of the statutes is amended to read:

23 46.283 (3) (k) A determination of eligibility for state supplemental payments
24 under s. 49.77, medical assistance under s. 49.46, 49.468 or, 49.47, or 49.471, or the
25 federal food stamp program under 7 USC 2011 to 2029.

1 **SECTION 984.** 46.283 (4) (e) of the statutes is amended to read:

2 46.283 (4) (e) ~~Within 6 months after the family care benefit is available to all~~
3 ~~eligible persons in the area of the resource center, provide~~ Provide information about
4 the services of the resource center, including the services specified in sub. (3) (d),
5 about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and
6 about the family care benefit to all older persons and persons with a physical
7 disability who are residents of nursing homes, community-based residential
8 facilities, adult family homes and residential care apartment complexes in the area
9 of the resource center.

10 **SECTION 985.** 46.283 (4) (f) of the statutes is amended to read:

11 46.283 (4) (f) ~~Provide~~ Perform a functional screening and a financial screen to
12 and cost-sharing screening for any resident, as specified in par. (e), who requests a
13 screen screening and assist any resident who is eligible and chooses to enroll in a care
14 management organization to do so.

15 **SECTION 986.** 46.283 (4) (g) of the statutes is amended to read:

16 46.283 (4) (g) ~~Provide~~ Perform a functional screening and a financial screen to
17 and cost-sharing screening for any person seeking admission to a nursing home,
18 community-based residential facility, residential care apartment complex, or adult
19 family home if the secretary has certified that the resource center is available to the
20 person and the facility and the person is determined by the resource center to have
21 a condition that is expected to last at least 90 days that would require care,
22 assistance, or supervision. A resource center may not require a financial screen and
23 cost-sharing screening for a person seeking admission or about to be admitted on a
24 private pay basis who waives the requirement for a financial screen and cost-sharing
25 screening under this paragraph, unless the person is expected to become eligible for

1 medical assistance within 6 months. A resource center need not ~~provide~~ perform a
2 functional screen ~~for screening for~~ a person seeking admission or about to be
3 admitted who has received a screen for whom a functional eligibility under s. 46.286
4 (1)(a) screening was performed within the previous 6 months.

5 **SECTION 987.** 46.283 (4)(j) of the statutes is created to read:

6 46.283 (4) (j) Target any outreach, education, and prevention services it
7 provides and any service development efforts it conducts on the basis of findings
8 made by the governing board of the resource center under sub. (6) (b) 2. and 3.

9 **SECTION 988.** 46.283 (5) of the statutes is amended to read:

10 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
11 (bm), ~~(gp)~~, (pa), and (w), and (xd) and (7) (b), (bd), and (md), the department may
12 contract with organizations that meet standards under sub. (3) for performance of
13 the duties under sub. (4) and shall distribute funds for services provided by resource
14 centers.

15 **SECTION 989.** 46.283 (6) of the statutes is amended to read:

16 46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing
17 board that reflects the ethnic and economic diversity of the geographic area served
18 by the resource center.

19 2. At least one-fourth of the members of the governing board shall be older
20 ~~persons or persons with physical or developmental disabilities~~ individuals who
21 belong to a client group served by the resource center or their family members,
22 guardians, or other advocates. The proportion of these board members who belong
23 to each client group, or their family members, guardians, or advocates, shall be the
24 same, respectively, as the proportion of individuals in this state who receive services
25 under s. 46.2805 to 46.2895 and belong to each client group.

1 **SECTION 990.** 46.283 (6) (a) 3. of the statutes is created to read:

2 46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the
3 governing board of, a care management organization or an organization that
4 administers a program described under s. 46.2805 (1) (a) or (b) or a managed care
5 program under s. 49.45 for individuals who are eligible to receive supplemental
6 security income under 42 USC 1381 to 1383c, which serves any geographic area also
7 served by a resource center, and the individual's family members, may not serve as
8 members of the governing board of the resource center.

9 **SECTION 991.** 46.283 (6) (b) of the statutes is created to read:

10 46.283 (6) (b). The governing board of a resource center shall do all of the
11 following:

12 1. Determine the structure, policies, and procedures of, and oversee the
13 operations of, the resource center. The operations of a resource center that is
14 operated by a county are subject to the county's ordinances and budget.

15 2. Annually gather information from consumers and providers of long-term
16 care services and other interested persons concerning the adequacy of long-term
17 care services offered in the area served by the resource center. The board shall
18 provide well-advertised opportunities for persons to participate in the board's
19 information gathering activities conducted under this subdivision.

20 4. Report findings made under subds. 2. and 3. to the applicable regional
21 long-term care advisory committee.

22 5. Recommend strategies for building local capacity to serve older persons and
23 persons with physical or developmental disabilities, as appropriate, to local elected
24 officials, the regional long-term care advisory committee, or the department.

1 7. Appoint members to the regional long-term care advisory committee, as
2 provided under s. 46.2825 (1).

3 **SECTION 992.** 46.284 (1) (a) (intro.) of the statutes is amended to read:

4 46.284 (1) (a) (intro.) ~~After considering recommendations of the local~~
5 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors and,
6 in a county with a county executive or a county administrator, the county executive
7 or county administrator, may decide all of the following:

8 **SECTION 993.** 46.284 (1) (a) 2. of the statutes is amended to read:

9 46.284 (1) (a) 2. Whether to create a family long-term care district to apply to
10 the department for a contract to operate a care management organization.

11 **SECTION 994.** 46.284 (2) (b) (intro.) of the statutes is repealed.

12 **SECTION 995.** 46.284 (2) (b) 1. of the statutes is repealed.

13 **SECTION 996.** 46.284 (2) (b) 2. of the statutes is repealed.

14 **SECTION 997.** 46.284 (2) (b) 3. of the statutes is renumbered 46.284 (2) (bm) and
15 amended to read:

16 46.284 (2) (bm) ~~After December 31, 2003, the~~ The department may contract
17 with counties, family long-term care districts, the governing body of a tribe or band
18 or the Great Lakes inter-tribal council, inc., or under a joint application of any of
19 these, or with a private organization that has no significant connection to an entity
20 that operates a resource center. Proposals for contracts under this subdivision shall
21 be solicited under a competitive sealed proposal process under s. 16.75 (2m) and,
22 ~~after consulting with the local long-term care council for the county or counties, the~~
23 department shall evaluate the proposals primarily as to the quality of care that is
24 proposed to be provided, certify those applicants that meet the requirements

1 specified in sub. (3) (a), select certified applicants for contract and contract with the
2 selected applicants.

3 **SECTION 997m.** 46.284 (2) (c) of the statutes is created to read:

4 46.284 (2) (c) The department shall require, as a term of any contract with a
5 care management organization under this section, that the care management
6 organization contract for the provision of services that are covered under the family
7 care benefit with any community-based residential facility under s. 50.01 (1g),
8 residential care apartment complex under s. 50.01 (1d), nursing home under s. 50.01
9 (3), intermediate care facility for the mentally retarded under s. 50.14 (1) (b),
10 community rehabilitation program, home health agency under s. 50.49 (1) (a),
11 provider of day services, or provider of personal care, as defined in s. 50.01 (4o), that
12 agrees to accept the reimbursement rate that the care management organization
13 pays under contract to similar providers for the same service and that satisfies any
14 applicable quality of care, utilization, or other criteria that the care management
15 organization requires of other providers with which it contracts to provide the same
16 service.

17 **SECTION 998.** 46.284 (3) (a) of the statutes is amended to read:

18 46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable
19 rules of the department and submits to the department an application for initial
20 certification or certification renewal, the department shall certify that the entity
21 meets the requirements for a care management organization. An application shall
22 include comments about the applicant and recommendations about the application
23 that are provided by the appropriate local long-term care council, as specified under
24 s. 46.282 (3) (a) 3.

25 **SECTION 999.** 46.284 (5) (a) of the statutes is amended to read:

1 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (gp),
2 (im), (o), and (w), and (xd) and (7) (b) and, (bd), and (g), the department shall provide
3 funding on a capitated payment basis for the provision of services under this section.
4 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
5 under contract with the department may expend the funds, consistent with this
6 section, including providing payment, on a capitated basis, to providers of services
7 under the family care benefit.

8 **SECTION 1000.** 46.284 (6) of the statutes is amended to read:

9 46.284 (6) GOVERNING BOARD. A care management organization shall have a
10 governing board that reflects the ethnic and economic diversity of the geographic
11 area served by the care management organization. At least one-fourth of the
12 members of the governing board shall be ~~older persons or persons with physical or~~
13 ~~developmental disabilities or their family members, guardians or other advocates~~
14 ~~who are representative of the client group or groups whom the care management~~
15 ~~organization's enrollee organization is contracted to serve or those clients' family~~
16 ~~members, guardians, or other advocates.~~

17 **SECTION 1001.** 46.285 (1) of the statutes is renumbered 46.285, and 46.285
18 (intro.), (1) and (2), as renumbered, are amended to read:

19 **46.285** (intro.) In order to meet federal requirements and assure federal
20 financial participation in funding of the family care benefit, a county, a tribe or band,
21 a family long-term care district or an organization, including a private, nonprofit
22 corporation, may not directly operate both a resource center and a care management
23 organization, except as follows:

24 (1) For an entity with which the department has contracted under s. 46.281 (1)
25 (e) 1., 2005 stats. provision of the services specified under s. 46.283 (3) (b), (e), (f) and