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Cont.

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

2           **46.281 (title) Powers and duties of the department and the, secretary,**  
3           **and counties; long-term care.**

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

6           **46.281 (1n) (title) DUTIES OTHER DUTIES OF THE DEPARTMENT.**

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

9           **46.281 (1d) WAIVER REQUEST. Request The department shall request** from the  
10 secretary of the federal department of health and human services any waivers of  
11 federal medicaid laws necessary to permit the use of federal moneys to provide the  
12 family care benefit to recipients of medical assistance. The department shall  
13 implement any waiver that is approved and that is consistent with ss. 46.2805 to  
14 46.2895. Regardless of whether a waiver is approved, the department may  
15 implement operation of resource centers, care management organizations, and the  
16 family care benefit.

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

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

1 areas in which, in the aggregate, resides more than 29 percent but less than 50  
2 percent of the state population that is eligible for the family care benefit, the  
3 department shall first notify the joint committee on finance in writing of the  
4 proposed contract. The notification shall include the contract proposal; and an  
5 estimate of the fiscal impact of the proposed addition that demonstrates that the  
6 addition will be cost neutral, including startup, transitional, and ongoing  
7 operational costs and any proposed county contribution. The notification shall also  
8 include, for each county affected by the proposal, documentation that the county  
9 consents to administration of the family care benefit in the county, the amount of the  
10 county's payment or reduction in community aids under s. 46.281 (4), and a proposal  
11 by the county for using any savings in county expenditures on long-term care that  
12 result from administration of the family care benefit in the county. If the  
13 cochairpersons of the committee do not notify the department within 14 working  
14 days after the date of the department's notification that the committee has scheduled  
15 a meeting for the purpose of reviewing the proposed contract, the department may  
16 enter into the proposed contract. If within 14 working days after the date of the  
17 department's notification the cochairpersons of the committee notify the department  
18 that the committee has scheduled a meeting for the purpose of reviewing the  
19 proposed contract, the department may enter into the proposed contract only upon  
20 ~~approval of~~ if the committee. ~~The department may contract with these entities to~~  
21 ~~administer care management organizations in geographic areas in which, in the~~  
22 ~~aggregate, resides 50 percent or more of the state population that is eligible for the~~  
23 ~~family care benefit only if specifically authorized by the legislature and if the~~  
24 ~~legislature appropriates necessary funding~~ approves the proposed contract or if the

1 committee fails to act on the proposed contract within 59 working days after the date  
2 of the department's notification.

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

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

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

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

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

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

9 46.281 (1g) (title) CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT  
10 ORGANIZATIONS.

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

12 46.281 (1g) (a) Subject to par. (b), the department may contract with entities  
13 as provided under s. 46.283 (2) to provide the services under s. 46.283 (3) and (4) as  
14 resource centers in any geographic area in the state, and may contract with entities  
15 as provided under s. 46.284 (2) to administer the family care benefit as care  
16 management organizations in any geographic area in the state.

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

18 46.281 (1n) (d) 1. Establish regions for long-term care advisory committees  
19 under s. 46.2825, periodically review the boundaries of the regions, and, as  
20 appropriate, revise the boundaries.

21 2. Specify the number of members that each governing board of a resource  
22 center shall appoint to a regional long-term care advisory committee. The total  
23 number of committee members shall not exceed 25, and the department shall allot  
24 committee membership equally among the governing boards of resource centers  
25 operating within the boundaries of the regional long-term care advisory committee.

1           3. Provide information and staff assistance to assist regional long-term care  
2 advisory committees in performing the duties under s. 46.2825 (2).

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

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

15           **SECTION 954mb.** 46.281 (1n) (f) of the statutes is created to read:

16           46.281 (1n) (f) From the appropriation under s. 20.435 (7) (b), provide \$75,000  
17 annually to Grant County to provide, with respect to issues concerning family care  
18 benefits, liaison services between the county and a managed care organization and  
19 advocacy services on behalf of the county. ✓

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

21           46.281 (2) (title) ~~POWERS~~ OTHER POWERS OF THE DEPARTMENT.

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

23           46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county,  
24 hospital; nursing home, community-based residential facility, adult family home  
25 and residential care apartment complex the date on which a resource center that

1 serves the area of the county, hospital, nursing home, community-based residential  
2 facility, adult family home or residential care apartment complex is first available  
3 to provide a perform functional screenings and financial screen and cost-sharing  
4 screenings. To facilitate phase-in of services of resource centers, the secretary may  
5 certify that the resource center is available for specified groups of eligible individuals  
6 or for specified facilities in the county.

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

8 46.281 (4) COUNTY CONTRIBUTION. (a) In this subsection, "base amount" means  
9 the amount that a county expended in calendar year 2006, as determined by the  
10 department, to provide long-term care services to individuals who would have been  
11 eligible for the family care benefit in calendar year 2006 if the family care benefit had  
12 been available to residents of the county.

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

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

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

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

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

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

9           (c) Each county in which the department has a contract with an entity to  
10 administer the family care benefit, and in which the department had such a contract  
11 before January 1, 2006, shall annually either pay the department or agree to reduce  
12 the community aids distribution to the county under s. 46.40 (2) by the amount that  
13 the county paid the department, or by which the county's community aids  
14 distribution was reduced, in calendar year 2006 to fund the program under ss.  
15 46.2805 to 46.2895.

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

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

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

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

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

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

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

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

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

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

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

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

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

6           46.2825 (2) (e) Monitor ~~the pattern of~~ enrollments and disenrollments in local  
7 care management organizations that provide services in the committee's region.

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

10           46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and  
11 community resources ~~and develop strategies to build local capacity to serve older~~  
12 ~~persons and persons with physical or developmental disabilities~~ needed by  
13 individuals belonging to the client groups served by the resource center, especially  
14 those with long-term care needs.

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

17           46.2825 (2) (g) Perform long-range planning on long-term care policy for ~~older~~  
18 ~~persons and persons with physical or developmental disabilities~~ individuals  
19 belonging to the client groups served by the resource center.

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

22           46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the  
23 resource center and care management ~~organization or organizations~~ that provide  
24 services in the area served by the resource center and make recommendations, as  
25 appropriate, on the interaction between the resource center and the care

1 management ~~organization or~~ organizations to assure coordination between or  
2 among them and to assure access to and timeliness in provision of services by the  
3 resource center and the care management organizations.

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

6 46.283 (6) (b) 9. ~~Annually review~~ Review the number and types of ~~complaints~~  
7 ~~and grievances about~~ and appeals concerning the long-term care system by ~~persons~~  
8 ~~who receive or may receive care under the system~~ in the area served by the resource  
9 center, to determine if a need exists for system changes, and recommend system or  
10 other changes if appropriate.

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

13 46.283 (6) (b) 6. Identify potential new sources of community resources and  
14 funding for needed services for ~~older persons and persons with physical or~~  
15 ~~developmental disabilities~~ individuals belonging to the client groups served by the  
16 resource center.

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

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

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

21 46.283 (6) (b) 10. ~~A local long-term care council may, within the local~~  
22 ~~long-term care council's area~~ If directed to do so by the county board, assume the  
23 duties of the county long-term community support planning committee as specified  
24 under s. 46.27 (4) for a county served by the resource center.

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



1           **46.2825 Regional long-term care advisory committees. (1) CREATION.**

2           The governing board of each resource center operating in a region established by the  
3           department under s. 46.281 (1n) (d) 1. shall appoint the number of its members that  
4           is specified by the department under s. 46.281 (1n) (d) 2. to a regional long-term care  
5           advisory committee. At least 50 percent of the persons a resource center board  
6           appoints to a regional long-term care advisory committee shall be older persons or  
7           persons with a physical or developmental disability or their family members,  
8           guardians, or other advocates.

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

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

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

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

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

24          (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards  
25          of resources centers operating in the committee's region and other available

1 information, identify any gaps in the availability of services, living arrangements,  
2 and community resources needed by older persons and persons with physical or  
3 developmental disabilities, and develop strategies to build capacity to provide those  
4 services, living arrangements, and community resources in the committee's region.

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

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

9 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to  
10 the department for a contract to operate a resource center.

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

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

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

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

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

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

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

2           46.283 (3) (k) A determination of eligibility for state supplemental payments  
3 under s. 49.77, medical assistance under s. 49.46, 49.468 ~~or~~, 49.47, or 49.471, or the  
4 federal food stamp program under 7 USC 2011 to 2029.

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

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

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

15           46.283 (4) (f) ~~Provide~~ Perform a functional screening and a financial screen to  
16 and cost-sharing screening for any resident, as specified in par. (e), who requests a  
17 ~~screen~~ screening and assist any resident who is eligible and chooses to enroll in a care  
18 management organization to do so.

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

20           46.283 (4) (g) ~~Provide~~ Perform a functional screening and a financial screen to  
21 and cost-sharing screening for any person seeking admission to a nursing home,  
22 community-based residential facility, residential care apartment complex, or adult  
23 family home if the secretary has certified that the resource center is available to the  
24 person and the facility and the person is determined by the resource center to have  
25 a condition that is expected to last at least 90 days that would require care,

1 assistance, or supervision. A resource center may not require a financial ~~screen and~~  
2 ~~cost-sharing screening~~ for a person seeking admission or about to be admitted on a  
3 private pay basis who waives the requirement for a financial ~~screen and cost-sharing~~  
4 ~~screening~~ under this paragraph, unless the person is expected to become eligible for  
5 medical assistance within 6 months. A resource center need not ~~provide~~ perform  
6 functional ~~screen for~~ screening for a person seeking admission or about to be  
7 admitted ~~who has received a screen for~~ whom a functional eligibility under s. 46.286  
8 ~~(1) (a) screening was performed~~ within the previous 6 months.

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

10 46.283 (4) (j) Target any outreach, education, and prevention services it  
11 provides and any service development efforts it conducts on the basis of findings  
12 made by the governing board of the resource center under sub. (6) (b) 2. and 3.

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

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

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

20 46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing  
21 board that reflects the ethnic and economic diversity of the geographic area served  
22 by the resource center.

23 2. At least one-fourth of the members of the governing board shall be ~~older~~  
24 ~~persons or persons with physical or developmental disabilities~~ individuals who  
25 belong to a client group served by the resource center or their family members,

1 guardians, or other advocates. The proportion of these board members who belong  
2 to each client group, or their family members, guardians, or advocates, shall be the  
3 same, respectively, as the proportion of individuals in this state who receive services  
4 under s. 46.2805 to 46.2895 and belong to each client group.

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

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

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

14 46.283 (6) (b) The governing board of a resource center shall do all of the  
15 following:

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

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

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

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

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

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

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

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

12           46.284 (1) (a) 2. Whether to create a family long-term care district to apply to  
13 the department for a contract to operate a care management organization.

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

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

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

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

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

1 department shall evaluate the proposals primarily as to the quality of care that is  
2 proposed to be provided, certify those applicants that meet the requirements  
3 specified in sub. (3) (a), select certified applicants for contract and contract with the  
4 selected applicants.

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

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

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

20 46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable  
21 rules of the department and submits to the department an application for initial  
22 certification or certification renewal, the department shall certify that the entity  
23 meets the requirements for a care management organization. ~~An application shall~~  
24 ~~include comments about the applicant and recommendations about the application~~

1 that are provided by the appropriate local long-term care council, as specified under  
2 s. 46.282 (3) (a) 3.

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

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

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

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

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

22 **46.285** (intro.) In order to meet federal requirements and assure federal  
23 financial participation in funding of the family care benefit, a county, a tribe or band,  
24 a ~~family~~ long-term care district or an organization, including a private, nonprofit



1 corporation, may not directly operate both a resource center and a care management  
2 organization, except as follows:

3 (1) For an entity with which the department has contracted under s. 46.281 (1)  
4 (e) 1., 2005 stats., provision of the services specified under s. 46.283 (3) (b), (e), (f) and  
5 (g) shall be structurally separate from the provision of services of the care  
6 management organization by January 1, 2001.

7 (2) The department may approve separation of the functions of a resource  
8 center from those of a care management organization by a means other than those  
9 specified in sub. (2) creating a long-term care district under s. 46.2895 to serve either  
10 as a resource center or a care management organization.

11 **SECTION 1002.** 46.285 (2) of the statutes is repealed.

12 **SECTION 1003.** 46.286 (1) (intro.) of the statutes is amended to read:

13 46.286 (1) ELIGIBILITY. (intro.) A person is eligible for, but not necessarily  
14 entitled to, the family care benefit if the person is at least 18 years of age; has a  
15 physical disability, as defined in s. 15.197 (4) (a) 2., or a developmental disability, as  
16 defined in s. 51.01 (5) (a), or ~~degenerative brain disorder, as defined in s. 55.01 (1v)~~  
17 is a frail elder; and meets all of the following criteria:

18 **SECTION 1004.** 46.286 (1) (a) 1. of the statutes is amended to read:

19 46.286 (1) (a) 1. The person's ~~functional capacity~~ level of care need is at either  
20 of the following levels:

21 a. The ~~comprehensive~~ nursing home level, if the person has a long-term or  
22 irreversible condition, expected to last at least 90 days or result in death within one  
23 year of the date of application, and requires ongoing care, assistance or supervision.

24 b. The ~~intermediate~~ non-nursing home level, if the person has a condition that  
25 is expected to last at least 90 days or result in death within 12 months after the date

1 of application, and is at risk of losing his or her independence or functional capacity  
2 unless he or she receives assistance from others.

3 **SECTION 1005.** 46.286 (1) (b) (intro.) of the statutes is amended to read:

4 46.286 (1) (b) *Financial eligibility.* (intro.) A person is financially eligible if  
5 ~~all~~ any of the following apply:

6 **SECTION 1006.** 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

7 **SECTION 1007.** 46.286 (1) (b) 1. a. of the statutes is renumbered 46.286 (1) (b)  
8 3. and amended to read:

9 46.286 (1) (b) 3. The person was receiving the family care benefit on the  
10 effective date of this subdivision ... [revisor inserts date], the person would qualify  
11 for medical assistance except for financial or disability criteria, and the projected cost  
12 of the person's care plan, as calculated by the department or its designee, exceeds the  
13 person's gross monthly income, plus one-twelfth of his or her countable assets, less  
14 deductions and allowances permitted by rule by the department.

15 **SECTION 1008.** 46.286 (1) (b) 1. b. and 2. of the statutes are consolidated,  
16 renumbered 46.286 (1) (b) 1m. and amended to read:

17 46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance.  
18 ~~2. If subd. 1. b. applies, the person accepts medical assistance and,~~ unless he or she  
19 is exempt from the acceptance under rules promulgated by the department, accepts  
20 medical assistance.

21 **SECTION 1009.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

22 46.286 (3) (a) (intro.) Subject to ~~pars. par. (c) and (d),~~ a person is entitled to and  
23 may receive the family care benefit through enrollment in a care management  
24 organization if he or she all of the following apply:

25 1m. The person is at least 18 years of age,

1           2m. The person has a physical disability, as defined in s. 15.197 (4) (a) 2., a  
2 developmental disability, as defined in s. 51.01 (5) (a), or ~~degenerative brain disorder,~~  
3 ~~as defined in s. 55.01 (1v),~~ is a frail elder.

4           4m. The person is financially eligible, under sub. (1) (b) 1m., and fulfills any  
5 applicable cost-sharing requirements ~~and meets any of the following criteria:~~

6           **SECTION 1010.** 46.286 (3) (a) 1. of the statutes is repealed.

7           **SECTION 1011.** 46.286 (3) (a) 2. of the statutes is repealed.

8           **SECTION 1012.** 46.286 (3) (a) 3. of the statutes is repealed.

9           **SECTION 1013.** 46.286 (3) (a) 3m. of the statutes is created to read:

10           46.286 (3) (a) 3m. The person is functionally eligible under sub. (1) (a).

11           **SECTION 1014.** 46.286 (3) (a) 4. of the statutes is repealed.

12           **SECTION 1015.** 46.286 (3) (a) 6. of the statutes is repealed.

13           **SECTION 1016.** 46.286 (3) (d) of the statutes is repealed.

14           **SECTION 1017.** 46.286 (3m) of the statutes is repealed and recreated to read:

15           46.286 (3m) INFORMATION ABOUT ENROLLEES. The department shall obtain and  
16 share information about family care enrollees as provided in s. 49.475.

17           **SECTION 1018.** 46.288 (2) (intro.) of the statutes is amended to read:

18           46.288 (2) (intro.) Criteria and procedures for determining functional  
19 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost  
20 sharing under s. 46.286 (2) (a) ~~and entitlement under s. 46.286 (3).~~ The rules for  
21 determining functional eligibility under s. 46.286 (1) (a) 1. a. shall be substantially  
22 similar to eligibility criteria for receipt of the long-term support community options  
23 program under s. 46.27. Rules under this subsection shall include definitions of the  
24 following terms applicable to s. 46.286:

25           **SECTION 1019.** 46.289 (title) of the statutes is renumbered 46.2803 (title).

1           **SECTION 1020.** 46.289 of the statutes is renumbered 46.2803 (1).

2           **SECTION 1021.** 46.2895 (title) of the statutes is amended to read:

3           **46.2895 (title) Family Long-term care district.**

4           **SECTION 1022.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

5           46.2895 (1) CREATION. (a) (intro.) A county ~~board of supervisors, a tribe or band,~~  
6           or any combination of counties or tribes or bands, may create a special purpose  
7           district that is termed a “family long-term care district”, that is a local unit of  
8           government, that is separate and distinct from, and independent of, the state and the  
9           county or tribe or band that created it, and that has the powers and duties specified  
10          in this section, if ~~the~~ each county board or tribe or band that participates in creating  
11          the district does all of the following:

12           **SECTION 1023.** 46.2895 (1) (a) 1. a. of the statutes is amended to read:

13           46.2895 (1) (a) 1. a. Declares the need for establishing the family long-term  
14          care district.

15           **SECTION 1024.** 46.2895 (1) (a) 1. b. of the statutes is amended to read:

16           46.2895 (1) (a) 1. b. Specifies the family long-term care district’s primary  
17          purpose, which shall be to operate, under contract with the department, ~~either a~~  
18          resource center under s. 46.283 ~~or,~~ a care management organization under s. 46.284,  
19          ~~but not both,~~ or a program described under s. 46.2805 (1) (a) or (b).

20           **SECTION 1025.** 46.2895 (1) (a) 1. c. of the statutes is created to read:

21           46.2895 (1) (a) 1. c. Specifies the number of individuals who shall be appointed  
22          as members of the long-term care district board, the length of their terms, and, if the  
23          long-term care district is created by more than one county or tribe or band, how many  
24          members shall be appointed by each county or tribe or band.

25           **SECTION 1026.** 46.2895 (1) (b) of the statutes is repealed.

1           **SECTION 1027.** 46.2895 (1) (c) of the statutes is created to read:

2           46.2895 (1) (c) A long-term care district may not operate a care management  
3 organization under s. 46.284 or a program described under s. 46.2805 (1) (a) or (b)  
4 if the district operates a resource center under s. 46.283.

5           **SECTION 1028.** 46.2895 (1) (d) of the statutes is created to read:

6           46.2895 (1) (d) A county or tribe or band may create more than one long-term  
7 care district.

8           **SECTION 1029.** 46.2895 (1) (e) of the statutes is created to read:

9           46.2895 (1) (e) A long-term care district may change its primary purpose  
10 specified under par. (a) 1. b. if all the counties or tribes or bands that created the  
11 district and that have not withdrawn or been removed from the district under sub.  
12 (14), adopt a resolution approving the change in primary purpose and if the change  
13 in purpose does not violate par. (c) or any provision of a contract between the  
14 department and the district.

15           **SECTION 1030.** 46.2895 (2) of the statutes is amended to read:

16           46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the  
17 geographical area of the county or counties ~~of the county board or boards of~~  
18 ~~supervisors who~~ that created the family long-term care district and the geographic  
19 area of the reservation of, or lands held in trust for, any tribe or band that created  
20 the long-term care district.

21           **SECTION 1031.** 46.2895 (3) (title) of the statutes is amended to read:

22           46.2895 (3) (title) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD.

23           **SECTION 1032.** 46.2895 (3) (a) 1. of the statutes is renumbered 46.2895 (3) (a)  
24 and amended to read:

1           46.2895 (3) (a) The county board of supervisors of a county or, in a county with  
2 a county administrator or county executive, the county administrator or county  
3 executive shall appoint the ~~members of the family long-term~~ care district board,  
4 ~~which is the governing board of a family care district under sub. (1) (a) members~~  
5 ~~whom the county is allotted, by resolutions adopted under sub. (1) (a) 1. c., to appoint.~~

6           **SECTION 1033.** 46.2895 (3) (a) 2. of the statutes is repealed.

7           **SECTION 1034.** 46.2895 (3) (b) 1. of the statutes is amended to read:

8           46.2895 (3) (b) 1. ~~The family care district board appointed under par. (a) 1. shall~~  
9 ~~consist of 15 persons who are residents of the area of jurisdiction of the family care~~  
10 ~~district. At least one-fourth of the members of a long-term care district board shall~~  
11 ~~be representative of the client group or groups whom it is the family long-term care~~  
12 ~~district's primary purpose to serve or those clients' family members, guardians, or~~  
13 ~~other advocates.~~

14           **SECTION 1035.** 46.2895 (3) (b) 2. of the statutes is repealed.

15           **SECTION 1036.** 46.2895 (3) (b) 3. of the statutes is amended to read:

16           46.2895 (3) (b) 3. Membership of ~~the family a long-term~~ care district board  
17 ~~under subd. 1. or 2. shall reflect the ethnic and economic diversity of in the area of~~  
18 ~~jurisdiction of the family long-term care district. Up to one-fourth of the members~~  
19 ~~of the board may be elected or appointed officials or employees of the county or~~  
20 ~~counties that created the family care district.~~

21           4. No member of ~~the a long-term care district~~ board may have a private  
22 financial interest in or profit directly or indirectly from any contract or other  
23 business of the ~~family long-term~~ care district.

24           **SECTION 1037.** 46.2895 (3) (b) 5. of the statutes is created to read:

1           46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a  
2 long-term care district may serve as members of the long-term care district board.

3           **SECTION 1038.** 46.2895 (3) (c) of the statutes is repealed.

4           **SECTION 1039.** 46.2895 (3) (d) of the statutes is amended to read:

5           46.2895 (3) (d) As soon as possible after the appointment of the initial members  
6 of the family long-term care district board, the board shall organize for the  
7 transaction of business and elect a chairperson and other necessary officers. Each  
8 chairperson shall be elected by the board from time to time for the term of that  
9 chairperson's office as a member of the board or for the term of 3 years, whichever  
10 is shorter, and shall be eligible for reelection. A majority of the board shall constitute  
11 a quorum. The Unless specified otherwise in a bylaw adopted by the board, the board  
12 may act based on the affirmative vote of a majority of a quorum.

13           **SECTION 1040.** 46.2895 (4) (intro.) of the statutes is amended to read:

14           46.2895 (4) POWERS. (intro.) Subject to sub. (1) ~~(a) 1. b. (c)~~, a family long-term  
15 care district has all the powers necessary or convenient to carry out the purposes and  
16 provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family  
17 long-term care district may do all of the following:

18           **SECTION 1041.** 46.2895 (4) (b) of the statutes is amended to read:

19           46.2895 (4) (b) Adopt bylaws and policies and procedures for the regulation of  
20 its affairs and the conduct of its business. The bylaws, policies and procedures shall  
21 be consistent with ss. 46.2805 to 46.2895 and, if the family long-term care district  
22 contracts with the department under par. (d) or (dm), with the terms of that contract.

23           **SECTION 1042.** 46.2895 (4) (dm) of the statutes is created to read:

1           46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the  
2 department to operate a program described under s. 46.2805 (1) (a) or (b) and provide  
3 services related to the contracted services.

4           **SECTION 1043.** 46.2895 (4) (g) of the statutes is amended to read:

5           46.2895 (4) (g) Subject to sub. (8), employ any agent, employee, or special  
6 adviser that the family long-term care district finds necessary, fix and regulate his  
7 or her compensation and provide, either directly or subject to an agreement under  
8 s. 66.0301 as a participant in a benefit plan of another governmental entity, any  
9 employee benefits, including an employee pension plan.

10          **SECTION 1044.** 46.2895 (4) (h) of the statutes is amended to read:

11          46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term  
12 care district's property or funds.

13          **SECTION 1045.** 46.2895 (4) (k) of the statutes is amended to read:

14          46.2895 (4) (k) Create a risk reserve or other special reserve as the family  
15 long-term care district board desires or as the department requires under the  
16 contract with the department that is specified under par. (d).

17          **SECTION 1046.** 46.2895 (4) (L) of the statutes is amended to read:

18          46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the  
19 family long-term care district from any local, state or federal governmental agency  
20 or accept gifts, loans, grants or bequests from individuals or entities, if the conditions  
21 under which the aid, loan, gift, grant or bequest is furnished are not in conflict with  
22 this section.

23          **SECTION 1047.** 46.2895 (4) (m) of the statutes is amended to read:

24          46.2895 (4) (m) Make and execute other instruments necessary or convenient  
25 to exercise the powers of the family long-term care district.



1           **SECTION 1048.** 46.2895 (5) of the statutes is amended to read:

2           46.2895 (5) **LIMITATION ON POWERS.** A family long-term care district may not  
3 issue bonds or levy a tax or assessment.

4           **SECTION 1049.** 46.2895 (6) (intro.) of the statutes is amended to read:

5           46.2895 (6) **DUTIES.** (intro.) The family long-term care district board shall do  
6 all of the following:

7           **SECTION 1050.** 46.2895 (6) (b) of the statutes is amended to read:

8           46.2895 (6) (b) Subject to sub. (8), develop and implement a personnel  
9 structure and other employment policies for employees of the family long-term  
10 care district.

11          **SECTION 1051.** 46.2895 (6) (c) of the statutes is amended to read:

12          46.2895 (6) (c) Assure compliance with the terms of any contract with the  
13 department under sub. (4) (d) or (dm).

14          **SECTION 1052.** 46.2895 (6) (d) of the statutes is amended to read:

15          46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget  
16 for the family long-term care district.

17          **SECTION 1053.** 46.2895 (6) (e) of the statutes is amended to read:

18          46.2895 (6) (e) Contract for any legal services required for the family long-term  
19 care district.

20          **SECTION 1054.** 46.2895 (7) (a) of the statutes is amended to read:

21          46.2895 (7) (a) Manage the property and business of the family long-term care  
22 district and manage the employees of the district, subject to the general control of the  
23 family long-term care district board.

24          **SECTION 1055.** 46.2895 (7) (b) of the statutes is amended to read:

1           46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies  
2 and procedures adopted by the family long-term care district board.

3           **SECTION 1056.** 46.2895 (7) (c) of the statutes is amended to read:

4           46.2895 (7) (c) Perform duties in addition to those specified in pars. (a) and (b)  
5 as are prescribed by the family long-term care district board.

6           **SECTION 1057.** 46.2895 (8) (a) (intro.) of the statutes is amended to read:

7           46.2895 (8) (a) (intro.) A family long-term care district board that is created  
8 at least in part by a county shall do all of the following:

9           **SECTION 1058.** 46.2895 (8) (a) 1. of the statutes is amended to read:

10          46.2895 (8) (a) 1. If the family long-term care district offers employment to any  
11 individual who was previously employed by ~~the~~ a county, which participated in  
12 creating the district and at the time of the offer had not withdrawn or been removed  
13 from the district under sub. (14), and who while employed by the county performed  
14 duties relating to the same or a substantially similar function for which the  
15 individual is offered employment by the district and whose wages, hours and  
16 conditions of employment were established in a collective bargaining agreement  
17 with the county under subch. IV of ch. 111 that is in effect on the date that the  
18 individual commences employment with the district, with respect to that individual,  
19 abide by the terms of the collective bargaining agreement concerning the individual's  
20 ~~compensation and benefits~~ wages and, if applicable, vacation allowance, sick leave  
21 accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal  
22 day allowance, or paid time off allowance until the time of the expiration of that  
23 collective bargaining agreement or adoption of a collective bargaining agreement  
24 with the district under subch. IV of ch. 111 covering the individual as an employee  
25 of the district, whichever occurs first.

1           **SECTION 1059.** 46.2895 (8) (a) 2. of the statutes is repealed.

2           **SECTION 1060.** 46.2895 (8) (a) 3. of the statutes is amended to read:

3           46.2895 (8) (a) 3. If the family long-term care district offers employment to any  
4 individual who was previously employed by ~~the a county, which participated in~~  
5 creating the district and at the time of the offer had not withdrawn or been removed  
6 from the district under sub. (14), and who while employed by the county performed  
7 duties relating to the same or a substantially similar function for which the  
8 individual is offered employment by the district, with respect to that individual,  
9 recognize all years of service with the county for any benefit provided or program  
10 operated by the district for which an employee's years of service may affect the  
11 provision of the benefit or the operation of the program.

12           **SECTION 1061.** 46.2895 (8) (a) 4. of the statutes is amended to read:

13           46.2895 (8) (a) 4. If the county has not established its own retirement system  
14 for county employees, adopt a resolution that the family long-term care district be  
15 included within the provisions of the Wisconsin retirement system under s. 40.21 (1).  
16 In this resolution, the family long-term care district shall agree to recognize 100%  
17 of the prior creditable service of its employees earned by the employees while  
18 employed by the district.

19           **SECTION 1062.** 46.2895 (8) (b) (intro.) of the statutes is amended to read:

20           46.2895 (8) (b) (intro.) The county board of supervisors of ~~the area of~~  
21 jurisdiction of the family each county that creates a long-term care district shall do  
22 all of the following:

23           **SECTION 1063.** 46.2895 (8) (b) 1. of the statutes is amended to read:

1           46.2895 (8) (b) 1. If the county has established its own retirement system for  
2 county employees, provide that family long-term care district employees are eligible  
3 to participate in the county retirement system.

4           **SECTION 1064.** 46.2895 (8) (b) 2. of the statutes is repealed.

5           **SECTION 1065.** 46.2895 (8) (b) 2m. of the statutes is created to read:

6           46.2895 (8) (b) 2m. If the long-term care district employs any individual who  
7 was previously employed by the county, provide the individual health care coverage  
8 that is similar to the health care coverage that the county provided the individual  
9 when he or she was employed by the county.

10          **SECTION 1066.** 46.2895 (8) (b) 3. of the statutes is repealed.

11          **SECTION 1067.** 46.2895 (8) (c) of the statutes is created to read:

12          46.2895 (8) (c) A long-term care district and any county that created the  
13 district and has not withdrawn from or been removed from the district under sub.  
14 (14) may enter into an agreement allocating the costs of providing benefits described  
15 under this section between the district and the county.

16          **SECTION 1068.** 46.2895 (9) of the statutes is amended to read:

17          46.2895 (9) CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2),  
18 of a family long-term care district that contains personally identifiable information,  
19 as defined in s. 19.62 (5), concerning an individual who receives services from the  
20 family long-term care district may be disclosed by the family long-term care district  
21 without the individual's informed consent, except as required to comply with s.  
22 16.009 (2) (p) or 49.45 (4).

23          **SECTION 1069.** 46.2895 (10) of the statutes is amended to read:

24          46.2895 (10) EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss.  
25 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),

1 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this  
2 section may exchange confidential information about a client, as defined in s.  
3 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),  
4 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or  
5 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary  
6 to enable the family long-term care district to perform its duties or to coordinate  
7 the delivery of services to the client.

8 **SECTION 1070.** 46.2895 (11) of the statutes is amended to read:

9 **46.2895 (11) OBLIGATIONS AND DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY.**

10 The obligations and debts of ~~the family~~ a long-term care district are not the  
11 obligations or debts of ~~the any~~ any county that created the ~~family care~~ district. If a  
12 long-term care district is obligated by statute or contract to provide or pay for  
13 services or benefits, no county is responsible for providing or paying for those services  
14 or benefits.

15 **SECTION 1071.** 46.2895 (12) of the statutes is amended to read:

16 **46.2895 (12) ASSISTANCE TO FAMILY LONG-TERM CARE DISTRICT.** From moneys in  
17 ~~the a~~ a county treasury that are not appropriated to some other purpose, the county  
18 board of supervisors ~~under sub. (1) (a) or the county boards of supervisors under sub.~~  
19 ~~(1) (b)~~ may appropriate moneys to the family a long-term care district that the county  
20 participated in creating as a gift or may lend moneys to the family long-term care  
21 district.

22 **SECTION 1072.** 46.2895 (13) (intro.), (a) and (b) of the statutes are consolidated,  
23 renumbered 46.2895 (13) and amended to read:

24 **46.2895 (13) DISSOLUTION.** (intro.) Subject to the performance of the  
25 contractual obligations of a family long-term care district and if first approved by the

1 secretary of the department, the family long-term care district may be dissolved by  
2 the joint action of the family long-term care district board and each county board of  
3 supervisors ~~under sub. (1) (a) or the county boards of supervisors under sub. (1) (b)~~  
4 or tribe or band that created the family long-term care district and has not  
5 withdrawn or been removed from the district under sub. (14). If the family a  
6 long-term care district that is created by one county or tribe or band is dissolved, the  
7 property of the district shall be transferred to the county board of supervisors or tribe  
8 or band that created the family care district ~~except as follows: it.~~ (a) If the family a  
9 long-term care district ~~was~~ is created under sub. (1) (b), by more than one county or  
10 tribe or band, all of the county boards of supervisors counties or tribes or bands that  
11 created the district and that have not withdrawn or been removed from the district  
12 under sub. (14) shall agree on the apportioning of the family long-term care district's  
13 property before the district may be dissolved. (b) If the family long-term care district  
14 operates a care management organization under s. 46.284, disposition of any  
15 remaining funds in the risk reserve under s. 46.284 (5) (e) shall be made under the  
16 terms of the district's contract with the department.

17 **SECTION 1073.** 46.2895 (14) of the statutes is created to read:

18 46.2895 (14) WITHDRAWAL OR REMOVAL OF A COUNTY OR TRIBE OR BAND. Subject  
19 to approval from the department, a long-term care district may establish conditions  
20 for a county or tribe or band that participated with one or more counties or tribes or  
21 bands in creating the district to withdraw from the district or for the district to  
22 remove the county or tribe or band from the district.

23 **SECTION 1073v.** 46.29 (1) (intro.) of the statutes is amended to read:

24 46.29 (1) (intro.) From the appropriation under s. 20.435 (6) (a), the  
25 department shall allocate ~~up to \$10,000~~ at least \$16,100 in each fiscal year for

1 operation of the council on physical disabilities. The council on physical disabilities  
2 shall do all of the following:

3 **SECTION 1076.** 46.30 (title) of the statutes is renumbered 49.265 (title).

4 **SECTION 1077.** 46.30 (1) of the statutes is renumbered 49.265 (1).

5 **SECTION 1078.** 46.30 (2) of the statutes is renumbered 49.265 (2).

6 **SECTION 1079.** 46.30 (3) (title) of the statutes is renumbered 49.265 (3) (title).

7 **SECTION 1080.** 46.30 (3) (a) (intro.) of the statutes is renumbered 49.265 (3) (a)  
8 (intro.).

9 **SECTION 1081.** 46.30 (3) (a) 1. of the statutes is renumbered 49.265 (3) (a) 1.

10 **SECTION 1082.** 46.30 (3) (a) 2. of the statutes is renumbered 49.265 (3) (a) 2.

11 **SECTION 1083.** 46.30 (3) (a) 3. of the statutes is renumbered 49.265 (3) (a) 3.

12 **SECTION 1084.** 46.30 (3) (a) 4. of the statutes is renumbered 49.265 (3) (a) 4.

13 **SECTION 1085.** 46.30 (3) (a) 5. of the statutes is renumbered 49.265 (3) (a) 5.

14 **SECTION 1086.** 46.30 (3) (a) 6. of the statutes is renumbered 49.265 (3) (a) 6.

15 **SECTION 1087.** 46.30 (3) (a) 7. of the statutes is renumbered 49.265 (3) (a) 7.

16 **SECTION 1088.** 46.30 (3) (a) 8. of the statutes is renumbered 49.265 (3) (a) 8. and  
17 amended to read:

18 49.265 (3) (a) 8. Appoint a representative or representatives to the citizen  
19 advisory committee under s. ~~46.031~~ 49.325 (3) (a), in order to participate in  
20 developing and implementing programs designed to serve the poor.

21 **SECTION 1088d.** 46.30 (3) (a) 9. of the statutes is created to read:

22 46.30 (3) (a) 9. Provide, to individuals who work at least 20 hours per week and  
23 whose earned income is at or below 150 percent of the poverty line, a program of skills  
24 enhancement that shall include access to transportation, child care, career

1 counseling, job placement assistance, and financial support for education and  
2 training.

3 **SECTION 1088e.** 46.30 (3) (a) 9. of the statutes, as created by 2007 Wisconsin  
4 Act .... (this act), is renumbered 49.265 (3) (a) 9.

5 **SECTION 1089.** 46.30 (3) (b) of the statutes is renumbered 49.265 (3) (b).

6 **SECTION 1090.** 46.30 (4) (title) of the statutes is renumbered 49.265 (4) (title).

7 **SECTION 1091.** 46.30 (4) (a) of the statutes is renumbered 49.265 (4) (a) and  
8 amended to read:

9 49.265 (4) (a) The department shall distribute the federal community services  
10 block grant funds received under 42 USC 9903 and deposited in the appropriations  
11 under s. ~~20.435 (3)~~ 20.437 (1) (mc) and (md).

12 **SECTION 1092.** 46.30 (4) (b) of the statutes is renumbered 49.265 (4) (b).

13 **SECTION 1093.** 46.30 (4) (c) of the statutes is renumbered 49.265 (4) (c).

14 **SECTION 1093d.** 46.30 (4) (cm) of the statutes is created to read:

15 46.30 (4) (cm) From the appropriation under s. 20.435 (3) (fr), the department  
16 shall distribute grants to community action agencies to provide the skills  
17 enhancement services specified under sub. (3) (a) 9.

18 **SECTION 1093e.** 46.30 (4) (cm) of the statutes, as created by 2007 Wisconsin Act  
19 .... (this act), is renumbered 49.265 (4) (cm) and amended to read:

20 49.265 (4) (cm) From the appropriation under s. ~~20.435~~ 20.437 (3) (fr), the  
21 department shall distribute grants to community action agencies to provide the  
22 skills enhancement services specified under sub. (3) (a) 9.

23 **SECTION 1094.** 46.30 (4) (d) of the statutes is renumbered 49.265 (4) (d).

24 **SECTION 1095.** 46.30 (5) of the statutes is renumbered 49.265 (5).

25 **SECTION 1096.** 46.40 (1) (a) of the statutes is amended to read:



1           46.40 (1) (a) Within the limits of available federal funds and of the  
2 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds  
3 for community social, mental health, developmental disabilities, and alcohol and  
4 other drug abuse services and for services under ss. ~~46.51~~, 46.87, 46.985, and 51.421  
5 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 and to  
6 county aging units, as provided in subs. (2), (2m), and (7) to (9).

7           **SECTION 1097.** 46.40 (1) (b) of the statutes is renumbered 48.563 (1) (b) and  
8 amended to read:

9           48.563 (1) (b) Notwithstanding s. ~~46.49~~ 48.568, if the department receives any  
10 federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated  
11 under par. (a) for the provision of foster care, the department shall distribute those  
12 federal moneys for services and projects to assist children and families and for the  
13 purposes specified in s. ~~46.46~~ 48.567.

14           **SECTION 1098.** 46.40 (1) (c) of the statutes is renumbered 48.563 (1) (c) and  
15 amended to read:

16           48.563 (1) (c) The Milwaukee County department of social services shall report  
17 to the department in a manner specified by the department on all children under the  
18 supervision of the Milwaukee County department of social services who are placed  
19 in foster homes and whose foster parents receive funding for child care from the  
20 amounts distributed under par. (a) so that the department may claim federal foster  
21 care and adoption assistance reimbursement under 42 USC 670 to 679a for the  
22 amounts expended by the Milwaukee County department of social services for the  
23 provision of child care for those children. Notwithstanding s. ~~46.49~~ 48.568, if the  
24 department receives any federal moneys under 42 USC 670 to 679a in  
25 reimbursement of the amounts expended by the Milwaukee County department of

1 social services for the provision of child care for children in foster care in 1996 and  
2 1997, the department shall distribute those federal moneys to the Milwaukee County  
3 department of social services for the provision of child care for children in foster care.

4 **SECTION 1099.** 46.40 (1) (d) of the statutes is amended to read:

5 46.40 (1) (d) If the department of health and family services receives any  
6 federal moneys under 42 USC 1396 to 1396v in reimbursement of the cost of  
7 preventing out-of-home placements of children, the department of health and  
8 family services shall transfer those moneys to the department of children and  
9 families, and the department of children and families shall use those moneys as the  
10 first source of moneys used to meet the amount of the allocation under sub. s. 48.563  
11 (2) that is budgeted from federal funds.

12 **SECTION 1100.** 46.40 (2) of the statutes is amended to read:

13 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
14 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
15 more than \$242,078,700 ~~\$242,725,500~~<sup>✓</sup> in each fiscal year.

16 **SECTION 1101.** 46.40 (2) of the statutes, as affected by 2007 Wisconsin Act ....  
17 (this act), is amended to read: ~~\$242,725,500~~ <sup>SCORE</sup> \$176,068,400 (per GMM)

18 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under  
19 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not  
20 more than ~~\$242,421,500~~ <sup>SCORE</sup> \$176,372,400 in each fiscal year.

21 **SECTION 1101p.** 46.40 (2m) (b) of the statutes is amended to read:

22 46.40 (2m) (b) *Community mental health services.* For community mental  
23 health services under 42 USC 300x to 300x-9, the department shall distribute ~~not~~  
24 ~~more than~~ \$2,513,400 in each fiscal year.

1           **SECTION 1102.** 46.40 (3) of the statutes is renumbered 48.563 (3) and amended  
2 to read:

3           48.563 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the  
4 department shall distribute not more than \$412,800 in each fiscal year from the  
5 appropriation account under s. ~~20.435 (7)~~ 20.437 (1) (b) to federally recognized  
6 American Indian tribes or bands. A tribe or band that receives funding under this  
7 subsection shall use that funding to provide child care for an eligible child, as defined  
8 in 42 USC 9858n (4).

9           **SECTION 1103.** 46.40 (7m) of the statutes is renumbered 48.563 (7m) and  
10 amended to read:

11           48.563 (7m) ~~USE BY COUNTY OF COMMUNITY CHILDREN AND FAMILY AIDS FUNDS TO~~  
12 ~~PAY PRIVATE ATTORNEYS FOR CERTAIN PROCEEDINGS UNDER THE CHILDREN'S CODE.~~ Upon  
13 application by a county department under s. 46.215, 46.22, or 46.23 to the  
14 department for permission to use funds allocated to that county department under  
15 sub. (2) to employ private counsel for the purposes specified in this subsection and  
16 a determination by the department that use of funds for those purposes does not  
17 affect any federal grants or federal funding allocated under this section, the  
18 department and the county department shall execute a contract authorizing the  
19 county department to expend, as agreed upon in the contract, funds allocated to that  
20 county department under sub. (2) to permit the county department to employ private  
21 counsel to represent the interests of the state or county in proceedings under ~~ch. 48~~  
22 this chapter relating to child abuse or neglect cases, unborn child abuse cases,  
23 ~~proceedings to terminate, termination of parental rights, and any ch. 48 cases or~~  
24 ~~proceedings involving the Indian child welfare act~~ Child Welfare Act, 25 USC 1901  
25 to 1963.

1           **SECTION 1104a.** 46.40 (9) (a) of the statutes is renumbered 46.40 (9) (ar) and  
2 amended to read:

3           46.40 (9) (ar) *Transfer to family care program and adult protective services*  
4 *allocation.* If a care management organization under s. 46.284 is available in a  
5 county, the department may ~~dispose of not more than 21.3% of the amount allocated~~  
6 ~~under sub. (2) to that county as follows; and~~, of the amount allocated under sub. (8),  
7 may dispose of the lesser of up to 60% or the amount remaining after subtracting an  
8 amount necessary to maintain funding for recipients under sub. (8) who, on  
9 September 1, 2001, are ineligible for the family care benefit under s. 46.286, to that  
10 county, as follows:

11           1. By transferring a portion of ~~these amounts~~ that amount, as determined by  
12 the department, to the family care program to fund the services of resource centers  
13 under s. 46.283 (5) and the services of care management organizations under s.  
14 46.284 (4).

15           2. By transferring a portion of ~~these amounts~~ that amount, as determined by  
16 the department, to the county's adult protective services allocation under par. (b).

17           **SECTION 1104c.** 46.40 (9) (ag) of the statutes is created to read:

18           46.40 (9) (ag) *Adjustment for family care.* If a care management organization  
19 under s. 46.284 is available in a county and the county has under s. 46.281 (4) agreed  
20 to a reduction in its distribution under sub. (2), the department shall use the amount  
21 established under s. 46.281 (4) to fund the services of care management  
22 organizations under s. 46.284 (4).

23           **SECTION 1104g.** 46.40 (9) (b) of the statutes is amended to read:

1           46.40 (9) (b) *Adult protective services allocation.* For adult protective services,  
2 the department shall distribute the amounts transferred under par. (a) ~~(ar)~~ 2. in each  
3 fiscal year.

4           **SECTION 1106.** 46.45 (2) (a) of the statutes is renumbered 48.565 (2) (a) and  
5 amended to read:

6           48.565 (2) (a) Subject to par. (am), if on December 31 of any year there remains  
7 unspent or unencumbered in the allocation under s. ~~46.40~~ 48.563 (2) an amount that  
8 exceeds the amount received under 42 USC 670 to 679a and allocated under s. ~~46.40~~  
9 48.563 (2) in that year, the department shall carry forward the excess moneys and  
10 distribute not less than 50% of the excess moneys to counties having a population of  
11 less than 500,000 that are making a good faith effort, as determined by the  
12 department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist  
13 children and families, notwithstanding the percentage limit specified in sub. (3) (a).  
14 A county shall use not less than 50% of the moneys distributed to the county under  
15 this subsection for services for children who are at risk of abuse or neglect to prevent  
16 the need for child abuse and neglect intervention services, except that in the calendar  
17 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2  
18 calendar years after that calendar year the county may use 100% of the moneys  
19 distributed under this paragraph to reimburse the department for the costs of  
20 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before  
21 July 1, 2005, the department may recover any amounts distributed to that county  
22 under this paragraph after June 30, 2001, by billing the county or deducting from  
23 that county's allocation under s. ~~46.40~~ 48.563 (2). All moneys received by the  
24 department under this paragraph shall be credited to the appropriation account  
25 under s. ~~20.435 (3)~~ 20.437 (1) (j).

1           **SECTION 1107.** 46.45 (2) (am) of the statutes is renumbered 48.565 (2) (am) and  
2 amended to read:

3           48.565 (2) (am) If on December 31 of any year a county is not using the  
4 centralized unit contracted for under s. ~~46.03~~ 48.47 (7) (h) for determining whether  
5 the cost of providing care for a child is eligible for reimbursement under 42 USC 670  
6 to 679a, the department shall reduce that county's distribution under par. (a) by 50%.

7           **SECTION 1108.** 46.45 (2) (b) of the statutes is renumbered 48.565 (2) (b).

8           **SECTION 1109.** 46.45 (2) (c) of the statutes is renumbered 48.565 (2) (c) and  
9 amended to read:

10           48.565 (2) (c) The department shall credit to the appropriation account under  
11 s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) any moneys carried forward under par. (a), but not  
12 distributed to counties, and may expend those moneys as provided in s. ~~46.46~~ 48.567.

13           **SECTION 1110.** 46.45 (3) (a) of the statutes is amended to read:

14           46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal  
15 governing body, or private nonprofit organization, the department shall carry  
16 forward up to 3% of the total amount allocated to the county, tribal governing body,  
17 or nonprofit organization for a calendar year, not including the amount allocated to  
18 the county under s. 46.40 (7), which amount may be carried forward as provided in  
19 par. (c). All funds carried forward for a tribal governing body or nonprofit  
20 organization, ~~all federal child welfare funds under 42 USC 620 to 626,~~ and all funds  
21 allocated under s. 46.40 (2m) carried forward for a county shall be used for the  
22 purpose for which the funds were originally allocated. Other funds carried forward  
23 under this paragraph may be used for any purpose under s. 20.435 (7) (b), except that  
24 a county may not use any funds carried forward under this paragraph for  
25 administrative or staff costs. An allocation of carried-forward funding under this

1 paragraph does not affect a county's base allocations under s. 46.40 (2), (2m), (8), and  
2 (9).

3 **SECTION 1111.** 46.46 (1) of the statutes is amended to read:

4 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the  
5 department shall support costs that are exclusively related to the ongoing and  
6 recurring operational costs of augmenting the amount of moneys received under 42  
7 USC ~~670 to 679a~~, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v and to any  
8 other purpose provided for by the legislature by law or in budget determinations and  
9 shall distribute moneys to counties as provided in sub. (1g). In addition, the  
10 department may expend moneys from the appropriation account under s. 20.435 (8)  
11 (mb) as provided in ~~subs. (1m) and sub. (2)~~.

12 **SECTION 1112.** 46.46 (1m) of the statutes is renumbered 48.567 (1m) and  
13 amended to read:

14 48.567 (1m) In addition to expending moneys from the appropriation account  
15 under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) for the augmentation activities specified in  
16 sub. (1), the department may expend moneys received under 42 USC 1396 to 1396v  
17 in reimbursement of the cost of providing targeted case management services to  
18 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and  
19 credited to the appropriation account under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) to  
20 support the counties' share of implementing the statewide automated child welfare  
21 information system under s. 46.22 (1) (c) 8. f. and to provide services to children and  
22 families under s. 48.48 (17).

23 **SECTION 1113.** 46.46 (2) of the statutes is amended to read:

24 46.46 (2) If the department proposes to use any moneys from the appropriation  
25 account under s. 20.435 (8) (mb) for any purpose other than the purposes specified

1 in subs. (1), ~~(1g), and (1m)~~ and (1g), the department shall submit a plan for the  
2 proposed use of those moneys to the secretary of administration by September 1 of  
3 the fiscal year after the fiscal year in which those moneys were received. If the  
4 secretary of administration approves the plan, he or she shall submit the plan to the  
5 joint committee on finance by October 1 of the fiscal year after the fiscal year in which  
6 those moneys were received. If the cochairpersons of the committee do not notify the  
7 secretary of administration within 14 working days after the date of submittal of the  
8 plan that the committee has scheduled a meeting for the purpose of reviewing the  
9 plan, the department may implement the plan. If within 14 working days after the  
10 date of the submittal by the secretary of administration the cochairpersons of the  
11 committee notify him or her that the committee has scheduled a meeting for the  
12 purpose of reviewing the plan, the department may implement the plan only with the  
13 approval of the committee.

14 **SECTION 1114.** 46.48 (9) of the statutes is created to read:

15 46.48 (9) **QUALITY HOME CARE PROGRAM.** The department shall distribute at least  
16 \$167,000 in each fiscal year as a grant to an organization to provide services to  
17 consumers and providers of supportive home care and personal care.

18 **SECTION 1115.** 46.48 (11m) (b) of the statutes is amended to read:

19 46.48 (11m) (b) The department shall award not more than ~~\$83,800 in fiscal~~  
20 ~~year 2005-06 and not more than \$106,400 in fiscal year 2006-07~~ annually as a grant  
21 to an organization or a group of organizations to provide services for female prisoners  
22 and offenders from Milwaukee County and their children, if the prisoners or  
23 offenders have been convicted of nonviolent crimes.

24 **SECTION 1116e.** 46.48 (18) <sup>✓</sup> of the statutes is created to read:



1           46.48 (18) OUTREACH SERVICES. The department shall distribute \$84,000 in  
2 each fiscal year as grants to community organizations in southeastern and south  
3 central Wisconsin to provide outreach services relating to health, mental health,  
4 housing, assisted living, domestic violence, and other services. ✓

5           **SECTION 1117.** 46.481 (intro.) ✓ of the statutes is renumbered 48.481 (intro.) and  
6 amended to read:

7           **48.481 Grants for children's community programs.** (intro.) From the  
8 appropriation under s. ~~20.435 (3)~~ 20.437 (1) (bc), the department shall distribute the  
9 following grants for children's community programs:

10           **SECTION 1118.** 46.481 (1) (title) of the statutes is renumbered 48.481 (1) (title).

11           **SECTION 1119.** 46.481 (1) (a) of the statutes is renumbered 48.481 (1) (a) and  
12 amended to read:

13           48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to  
14 counties for the purpose of supplementing payments for the care of an individual who  
15 attains age 18 after 1986 and who resided in a foster home, as defined in s. 48.02 (6),  
16 or a treatment foster home, as defined in s. 48.02 (17q), for at least 2 years  
17 immediately prior to attaining age 18 and, for at least 2 years, received exceptional  
18 foster care or treatment foster care payments in order to avoid institutionalization,  
19 as provided under rules promulgated by the department, so that the individual may  
20 live in a family home or other noninstitutional situation after attaining age 18. No  
21 county may use funds provided under this paragraph to replace funds previously  
22 used by the county for this purpose.

23           **SECTION 1120.** 46.481 (1) (b) of the statutes is renumbered 48.481 (1) (b).

24           ~~**SECTION 1120n.** 46.481 (2) of the statutes, as created by 2007 Wisconsin Act~~  
25           ... (this act), is renumbered 48.481 (2).

GMM