

1 department of ~~regulation and licensing~~ safety and professional services shall notify
2 funeral directors licensed under ch. 445, cemetery associations, as defined in s.
3 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of
4 the waiver required to be requested under this subdivision. If the waiver is approved
5 by the secretary of the federal department of health and human services and if the
6 waiver remains in effect, subd. 2. shall apply.

7 **SECTION 1459bn.** 49.47 (4) (k) of the statutes is created to read:

8 49.47 (4) (k) Notwithstanding par. (b) 3. and s. 445.125 (1) (a), no later than 60
9 days after the effective date of this paragraph [LRB inserts date], the department
10 shall seek approval from the federal Centers for Medicare and Medicaid Services to
11 permit friends and family members of any individual receiving medical assistance
12 under this section to contribute funds to an irrevocable burial trust for the
13 individual, up to a total irrevocable trust amount of \$4,500, without the individual
14 losing eligibility for medical assistance under this section. If the federal Centers for
15 Medicare and Medicaid Services approves the request, the department shall
16 implement the change under this section within 60 days after receiving approval.

17 **SECTION 1459e.** 49.47 (5) (intro.) of the statutes, as affected by 2011 Wisconsin
18 Act 10, is repealed and recreated to read:

19 49.47 (5) INVESTIGATION BY DEPARTMENT. (intro.) The department may make
20 additional investigation of eligibility at any of the following times:

21 **SECTION 1459g.** 49.47 (5) (a) of the statutes, as affected by 2011 Wisconsin Act
22 10, is repealed and recreated to read:

23 49.47 (5) (a) When there is reasonable ground for belief that an applicant may
24 not be eligible or that the beneficiary may have received benefits to which the
25 beneficiary is not entitled.

1 **SECTION 1459i.** 49.47 (5) (c) of the statutes, as affected by 2011 Wisconsin Act
2 10, is repealed and recreated to read:

3 49.47 (5) (c) Any time determined by the department by a policy created under
4 s. 49.45 (2m) (c) to determine eligibility or to reevaluate continuing eligibility, except
5 that if federal law allows a reevaluation of eligibility more frequently than every 12
6 months and if there is no conflicting provision of state law, the department is not
7 required to create a policy to reevaluate eligibility under this section.

8 **SECTION 1459j.** 49.47 (5) (c) of the statutes, as created by 2011 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 1459n.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011
11 Wisconsin Act 10, is repealed and recreated to read:

12 49.47 (6) (a) (intro.) Unless otherwise provided by the department by a policy
13 created under s. 49.45 (2m) (c), the department shall audit and pay charges to
14 certified providers for medical assistance on behalf of the following:

15 **SECTION 1459o.** 49.47 (6) (a) (intro.) of the statutes, as affected by 2011
16 Wisconsin Act (this act), is amended to read:

17 49.47 (6) (a) (intro.) ~~Unless otherwise provided by the department by a policy~~
18 ~~created under s. 49.45 (2m) (c), the~~ The department shall audit and pay charges to
19 certified providers for medical assistance on behalf of the following:

20 **SECTION 1459p.** 49.47 (6) (a) 6. b. of the statutes is amended to read:

21 49.47 (6) (a) 6. b. An individual who is entitled to coverage under ~~part~~ Part A
22 of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of ~~medicare~~ Medicare,
23 meets the eligibility criteria under sub. (4) (a), and meets the income limitation, the
24 deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC
25 1395 to 1395zz ~~which~~ that are not paid under 42 USC 1395 to 1395zz, including those

1 ~~medicare~~ Medicare services that are not included in the approved state plan for
2 services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v;
3 the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
4 enrollment penalty, if applicable, for premiums under ~~part~~ Part A of ~~medicare~~
5 Medicare. Payment of coinsurance for a service under ~~part~~ Part B of ~~medicare~~
6 Medicare under 42 USC 1395j to 1395w, ~~other than payment of coinsurance for~~
7 ~~outpatient hospital services, and payment of deductibles and coinsurance for~~
8 ~~inpatient hospital services under Part A of Medicare~~ may not exceed the allowable
9 charge for the service under ~~medical assistance~~ Medical Assistance minus the
10 ~~medicare~~ Medicare payment.

11 **SECTION 1459q.** 49.47 (6) (a) 6. c. of the statutes is amended to read:

12 49.47 (6) (a) 6. c. An individual who is only entitled to coverage under ~~part~~ Part
13 A of ~~medicare~~ Medicare, meets the eligibility criteria under sub. (4) (a), and meets
14 the income limitation, the deductible and coinsurance portions of ~~medicare~~ Medicare
15 services under 42 USC 1395 to 1395i ~~which that~~ are not paid under 42 USC 1395 to
16 1395i, including those ~~medicare~~ Medicare services that are not included in the
17 approved state plan for services under 42 USC 1396; the monthly premiums, if
18 applicable, under 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable,
19 for premiums under ~~part~~ Part A of ~~medicare~~ Medicare. Payment of deductibles and
20 coinsurance for inpatient hospital services under Part A of Medicare may not exceed
21 the allowable charge for the service under Medical Assistance minus the Medicare
22 payment.

23 **SECTION 1459r.** 49.47 (6) (a) 6. d. of the statutes is amended to read:

24 49.47 (6) (a) 6. d. An individual who is entitled to coverage under ~~part~~ Part A
25 of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of ~~medicare~~ Medicare,

1 and meets the eligibility criteria for ~~medical assistance~~ Medical Assistance under
2 sub. (4) (a), but does not meet the income limitation, the deductible and coinsurance
3 portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are
4 not paid under 42 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services
5 that are not included in the approved state plan for services under 42 USC 1396.
6 Payment of coinsurance for a service under ~~part~~ Part B of ~~medicare~~ Medicare under
7 42 USC 1395j to 1395w, ~~other than payment of coinsurance for outpatient hospital~~
8 ~~services, and payment of deductibles and coinsurance for inpatient hospital services~~
9 under Part A of Medicare may not exceed the allowable charge for the service under
10 ~~medical assistance~~ Medical Assistance minus the ~~medicare~~ Medicare payment.

11 **SECTION 1459s.** 49.47 (6) (a) 6. e. of the statutes is amended to read:

12 49.47 (6) (a) 6. e. An individual who is only entitled to coverage under ~~part~~ Part
13 A of ~~medicare~~ Medicare and meets the eligibility criteria for ~~medical assistance~~
14 Medical Assistance under sub. (4) (a), but does not meet the income limitation, the
15 deductible and coinsurance portions of ~~medicare~~ Medicare services under 42 USC
16 1395 to 1395i, including those services that are not included in the approved state
17 plan for services under 42 USC 1396. Payment of deductibles and coinsurance for
18 inpatient hospital services under Part A of Medicare may not exceed the allowable
19 charge for the service under Medical Assistance minus the Medicare payment.

20 **SECTION 1459t.** 49.47 (6) (a) 6. f. of the statutes is amended to read:

21 49.47 (6) (a) 6. f. For an individual who is only entitled to coverage under ~~part~~
22 Part B of ~~medicare~~ Medicare and meets the eligibility criteria under sub. (4), but does
23 not meet the income limitation, ~~medical assistance~~ Medical Assistance shall include
24 payment of the deductible and coinsurance portions of ~~medicare~~ Medicare services
25 under 42 USC 1395j to 1395w, including those ~~medicare~~ Medicare services that are

1 not included in the approved state plan for services under 42 USC 1396. Payment
2 of coinsurance for a service under ~~part Part B of medicare, other than payment of~~
3 ~~coinsurance for outpatient hospital services, Medicare~~ may not exceed the allowable
4 charge for the service under ~~medical assistance~~ Medical Assistance minus the
5 ~~medicare~~ Medicare payment.

6 **SECTION 1461g.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act
7 10, is repealed and recreated to read:

8 49.471 (13) APPLICABILITY. If the department creates a policy under s. 49.45
9 (2m) (c), subs. (4), (5), (6), (7), (8), (10), and (11) do not apply to the extent that those
10 subsections conflict with the policy.

11 **SECTION 1461h.** 49.471 (13) of the statutes, as created by 2011 Wisconsin Act
12 (this act), is repealed.

13 **SECTION 1461p.** 49.472 (3) (intro.) of the statutes, as affected by 2011
14 Wisconsin Act 10, is repealed and recreated to read:

15 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) and unless
16 otherwise provided by the department by a policy created under s. 49.45 (2m) (c), an
17 individual is eligible for and shall receive medical assistance under this section if all
18 of the following conditions are met:

19 **SECTION 1461q.** 49.472 (3) (intro.) of the statutes, as affected by 2011 Wisconsin
20 Act (this act), is amended to read:

21 49.472 (3) ELIGIBILITY. (intro.) Except as provided in sub. (6) (a) ~~and unless~~
22 ~~otherwise provided by the department by a policy created under s. 49.45 (2m) (c),~~ an
23 individual is eligible for and shall receive medical assistance under this section if all
24 of the following conditions are met:

1 **SECTION 1462g.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011
2 Wisconsin Act 10, is repealed and recreated to read:

3 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
4 calculated to be below \$10 per month. Unless otherwise provided by the department
5 by a policy created under s. 49.45 (2m) (c), the department may not assess a monthly
6 premium for any individual whose income level, after adding the individual's earned
7 income and unearned income, is below 150% of the poverty line.

8 **SECTION 1462h.** 49.472 (4) (b) (intro.) of the statutes, as affected by 2011
9 Wisconsin Act (this act), is amended to read:

10 49.472 (4) (b) (intro.) The department may waive monthly premiums that are
11 calculated to be below \$10 per month. ~~Unless otherwise provided by the department~~
12 ~~by a policy created under s. 49.45 (2m) (c), the~~ The department may not assess a
13 monthly premium for any individual whose income level, after adding the
14 individual's earned income and unearned income, is below 150% of the poverty line.

15 **SECTION 1463.** 49.472 (6) (a) of the statutes is amended to read:

16 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~
17 ~~accounts~~ under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an
18 individual who is eligible for medical assistance under sub. (3), pay premiums for or
19 purchase individual coverage offered by the individual's employer if the department
20 determines that paying the premiums for or purchasing the coverage will not be more
21 costly than providing medical assistance.

22 **SECTION 1464.** 49.472 (6) (b) of the statutes is amended to read:

23 49.472 (6) (b) If federal financial participation is available, from the
24 appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department

1 may pay medicare Part A and Part B premiums for individuals who are eligible for
2 medicare and for medical assistance under sub. (3).

3 **SECTION 1465n.** 49.473 (2) (intro.) of the statutes, as affected by 2011
4 Wisconsin Act 10, is repealed and recreated to read:

5 49.473 (2) (intro.) Unless otherwise provided by the department by a policy
6 created under s. 49.45 (2m) (c), a woman is eligible for medical assistance as provided
7 under sub. (5) if, after applying to the department or a county department, the
8 department or a county department determines that she meets all of the following
9 requirements:

10 **SECTION 1465p.** 49.473 (2) (intro.) of the statutes, as affected by 2011
11 Wisconsin Act (this act), is amended to read:

12 49.473 (2) (intro.) ~~Unless otherwise provided by the department by a policy~~
13 ~~created under s. 49.45 (2m) (c), a~~ A woman is eligible for medical assistance as
14 provided under sub. (5) if, after applying to the department or a county department,
15 the department or a county department determines that she meets all of the
16 following requirements:

17 **SECTION 1469y.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act
18 10, is repealed and recreated to read:

19 49.473 (5) The department shall audit and pay, from the appropriation
20 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who
21 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
22 meets the requirements under sub. (2) for all benefits and services specified under
23 s. 49.46 (2), unless otherwise provided by the department by a policy created under
24 s. 49.45 (2m) (c).

1 **SECTION 1470b.** 49.473 (5) of the statutes, as affected by 2011 Wisconsin Act
2 (this act), is amended to read:

3 **49.473 (5)** The department shall audit and pay, from the appropriation
4 accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who
5 is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who
6 meets the requirements under sub. (2) for all benefits and services specified under
7 s. 49.46 (2), ~~unless otherwise provided by the department by a policy created under~~
8 ~~s. 49.45 (2m) (c).~~

9 **SECTION 1477r.** 49.67 (3) (am) 2. b. of the statutes is amended to read:

10 **49.67 (3) (am) 2. b.** If the applicant is under ~~27~~ 26 years of age, notice that he
11 or she may be eligible for coverage as a dependent under his or her parent's health
12 care plan in accordance with s. 632.885, and that his or her parent's plan must
13 include coverage for services that are not covered under the plan under this section.

14 **SECTION 1478.** 49.68 (3) (b) of the statutes is amended to read:

15 **49.68 (3) (b)** From the appropriation accounts under ss. 20.435 (4) (e) and (je),
16 the state shall pay ~~the cost of, at a rate determined by the department under par. (e),~~
17 for medical treatment that is required as a direct result of chronic renal disease of
18 certified patients from the date of certification, including ~~the cost of~~ administering
19 recombinant human erythropoietin to appropriate patients, whether the treatment
20 is rendered in an approved facility in the state or in a dialysis or transplantation
21 center ~~which~~ that is approved as such by a contiguous state, subject to the conditions
22 specified under par. (d). Approved facilities may include a hospital in-center dialysis
23 unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home
24 dialysis program supervised by an approved facility. Aid shall also be provided for
25 all reasonable expenses incurred by a potential living-related donor, including

1 evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent
2 that these costs are not reimbursable under the federal medicare program or other
3 insurance. In addition, all expenses incurred in the procurement, transportation,
4 and preservation of cadaveric donor kidneys shall be covered to the extent that these
5 costs are not otherwise reimbursable. All donor-related costs are chargeable to the
6 recipient and reimbursable under this subsection.

7 **SECTION 1479.** 49.68 (3) (e) of the statutes is amended to read:

8 49.68 (3) (e) State aids Payment for services provided under this section shall
9 be equal to at a rate determined by the department that does not exceed the allowable
10 charges under the federal Medicare program. In no case shall state rates for
11 individual service elements exceed the federally defined allowable costs. The rate
12 of charges for services not covered by public and private insurance shall not exceed
13 the reasonable charges as established by medicare Medicare fee determination
14 procedures. A person that provides to a patient a service for which aid is provided
15 under this section shall accept the amount paid under this section for the service as
16 payment in full and may not bill the patient for any amount by which the charge for
17 the service exceeds the amount paid for the service under this section. The state may
18 not pay for the cost of travel, lodging, or meals for persons who must travel to receive
19 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall
20 not apply to donor related costs as defined in par. (b).

21 **SECTION 1486m.** 49.78 (1) (br) of the statutes is created to read:

22 49.78 (1) (br) "Multicounty consortium" means a group of counties that is
23 approved by the department under sub. (1m) to administer income maintenance
24 programs.

25 **SECTION 1487m.** 49.78 (1m) of the statutes is created to read:

1 49.78 (1m) MULTICOUNTY CONSORTIA. (a) Except as provided in par. (c), each
2 county with a population of less than 750,000 shall participate in a multicounty
3 consortium that is approved by the department under par. (b).

4 (b) By October 31, 2011, the department shall approve multicounty consortia.
5 The department may not approve more than 10 multicounty consortia.

6 (c) If a county with a population of less than 750,000 does not participate in a
7 multicounty consortium or the department determines that a multicounty
8 consortium does not satisfy the department's performance requirements, the
9 department shall assume responsibility for administering income maintenance
10 programs in that county or in the geographical area of the multicounty consortium.
11 The department may provide income maintenance program administration under
12 this paragraph by contracting with another multicounty consortium or by providing
13 the administrative services with state resources and employees.

14 (d) If the department assumes responsibility for administering income
15 maintenance programs in a county or in the geographical area of the multicounty
16 consortium under par. (c), any county for which the department administers income
17 maintenance programs shall pay to the department the amount that the county
18 expended for the administration of income maintenance programs in calendar year
19 2009. For the purposes of this paragraph, Kenosha County expended \$673,000 for
20 the administration of income maintenance programs in calendar year 2009.

21 **SECTION 1488m.** 49.78 (1r) of the statutes is created to read:

22 49.78 (1r) SINGLE COUNTY CONSORTIA. The department shall administer income
23 maintenance programs in a county with a population of 750,000 or more as a
24 single-county consortium, including the administrative functions specified in sub.

25 (2) (b) 1.

1 **SECTION 1489m.** 49.78 (2) (title) of the statutes is amended to read:

2 49.78 (2) (title) CONTRACTS WITH MULTICOUNTY CONSORTIA.

3 **SECTION 1490m.** 49.78 (2) of the statutes is renumbered 49.78 (2) (a) and
4 amended to read:

5 49.78 (2) (a) ~~Annually, for the income maintenance program functions, if any,~~
6 ~~that the department delegates to a county or tribal governing body beginning with~~
7 ~~contracts for 2012, the department and county department under s. 46.215, 46.22,~~
8 ~~or 46.23 shall enter into a contract, and the department and tribal governing body~~
9 ~~may enter into a contract, for reimbursement of the county department or tribal~~
10 ~~governing body for the reasonable cost of administering with each multicounty~~
11 ~~consortium to administer income maintenance programs in the multicounty~~
12 ~~consortium's geographical area.~~

13 **SECTION 1491m.** 49.78 (2) (b) of the statutes is created to read:

14 49.78 (2) (b) A contract under par. (a) shall provide all of the following:

15 1. That the multicounty consortia shall be responsible for all of the following
16 administrative functions related to income maintenance programs:

- 17 a. Operating and maintaining a call center.
18 b. Conducting application processing and eligibility determinations.
19 c. Conducting ongoing case management.
20 d. Providing lobby services.

21 2. That the department and multicounty consortia shall cooperate to provide
22 the following administrative functions related to the income maintenance programs:

- 23 a. Conducting subrogation and benefit recovery efforts.
24 b. Participating in fair hearings.
25 c. Conducting fraud prevention and identification activities.

1 3. That the department will reimburse a multicounty consortium for services
2 provided under the contract on a risk-adjusted case load basis.

3 **SECTION 1492m.** 49.78 (2m) of the statutes is created to read:

4 **49.78 (2m) ADMINISTRATION BY A TRIBAL GOVERNING BODY.** (a) A tribal governing
5 body may administer income maintenance programs by electing to have the
6 department administer the tribe's income maintenance programs or by providing the
7 required administrative services and entering into a contract with the department
8 for reimbursement under par. (b).

9 (b) Annually, for the income maintenance administrative program functions,
10 if any, that the department delegates to a tribal governing body, the department and
11 tribal governing body may enter into a contract, for reimbursement of the tribal
12 governing body for the reasonable cost of administering income maintenance
13 programs.

14 (c) The amount of each reimbursement paid under a contract entered into par.
15 (b) shall be calculated using a formula based on workload within the limits of state
16 and federal funds. The department may adjust reimbursement amounts determined
17 under the contract for workload changes and computer network activities performed
18 by a tribal governing body.

19 **SECTION 1493m.** 49.78 (2r) of the statutes is created to read:

20 **49.78 (2r) DEPARTMENTAL ADMINISTRATIVE FUNCTIONS.** The department shall
21 perform all of the following administrative functions related to income maintenance
22 programs:

23 (a) Providing income maintenance worker training.

24 (b) Performing 2nd-party reviews.

25 (c) Administering the funeral expenses program under s. 49.785.

1 (d) Providing information technology and licenses for call centers that are
2 operated by multicounty consortia.

3 (e) Maintaining the client assistance reemployment and economic support
4 system.

5 (f) Contracting with multicounty consortia under sub. (2), including
6 establishing performance requirements.

7 (g) Contracting with tribal governing bodies under sub. (2m), including
8 establishing performance requirements.

9 (h) Monitoring contracts with multicounty consortia and tribal governing
10 bodies, including compliance with performance standards and federal and other
11 reporting requirements.

12 (i) Operating a centralized document processing unit.

13 **SECTION 1494m.** 49.78 (8) (a) of the statutes is amended to read:

14 49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435
15 (4) (bn) and (nn) and subject to par. (b), the department shall provide funding to
16 reimburse each county multicounty consortium that contracts with the department
17 under sub. (2) and each tribal governing body that contracts with the department
18 under sub. (2) (2m) for reasonable the costs of administering the income maintenance
19 programs, including conducting fraud prevention activities. ~~The amount of each~~
20 ~~reimbursement paid under this paragraph shall be calculated using a formula based~~
21 ~~on workload within the limits of available state and federal funds under s. 20.435 (4)~~
22 ~~(bn) and (nn) by contract under sub. (2), in accordance with the terms of the~~
23 applicable contract. The amount of reimbursement calculated under this paragraph
24 and par. (b) is in addition to any reimbursement provided to a county, multicounty

1 consortium, or tribal governing body for fraud and error reduction under s. 49.197
2 or 49.845.

3 **SECTION 1495m.** 49.78 (8) (b) of the statutes is amended to read:

4 49.78 (8) (b) The department ~~may adjust the amounts determined under par-~~
5 ~~(a) for workload changes and computer network activities performed by a county or~~
6 ~~tribal governing body and~~ may reduce the amount of any reimbursement if federal
7 reimbursement is withheld due to audits, quality control samples, or program
8 reviews.

9 **SECTION 1496m.** 49.78 (10) (title) of the statutes is amended to read:

10 49.78 (10) (title) ~~COUNTY~~ REIMBURSEMENT CERTIFICATION.

11 **SECTION 1497m.** 49.78 (10) (a) of the statutes is amended to read:

12 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~
13 ~~s. 46.215, 46.22, or 46.23~~ An authorized representative from each multicounty
14 consortium that contracts with the department under sub. (2) and each tribal
15 governing body that contracts with the department under sub. (2) ~~(2)~~ (2m) shall certify
16 monthly under oath to the department in such manner as the department prescribes
17 the claim of the ~~county~~ multicounty consortium or tribal governing body for state
18 reimbursement under sub. (8) (a). The department shall review each claim of
19 reimbursement and, if the department approves the claim, the department shall
20 certify to the department of administration for reimbursement to the ~~county~~
21 multicounty consortium or tribal governing body for amounts due under sub. (8) (a)
22 and payment claimed to be made to the ~~counties~~ multicounty consortia or tribal
23 governing bodies monthly. The department may make advance payments prior to
24 the beginning of each month equal to one-twelfth of the contracted amount.

25 **SECTION 1498m.** 49.78 (10) (b) of the statutes is amended to read:

1 49.78 (10) (b) To facilitate prompt reimbursement the certificate of the
2 department may be based on the certified statements of the ~~county officers~~
3 authorized representatives of multicounty consortia or tribal governing body
4 executives filed under par. (a). Funds recovered from audit adjustments from a prior
5 fiscal year may be included in subsequent certifications only to pay counties or
6 multicounty consortia owed funds as a result of any audit adjustment. By September
7 30 annually, the department shall submit a report to the appropriate standing
8 committees under s. 13.172 (3) on funds recovered and paid out during the previous
9 calendar year as a result of audit adjustments.

10 **SECTION 1499m.** 49.78 (11) (a) of the statutes is amended to read:

11 49.78 (11) (a) 1. The department, a county department under s. 46.215, 46.22,
12 or 46.23, a multicounty consortium, or a tribal governing body may request from any
13 person in this state information it determines appropriate and necessary for
14 determining or verifying eligibility or benefits for a recipient under any income
15 maintenance program. Unless access to the information is prohibited or restricted
16 by law, or unless the person has good cause, as determined by the department in
17 accordance with federal law and regulations, for refusing to cooperate, the person
18 shall make a good faith effort to provide the information within 7 days after receiving
19 a request under this paragraph. The department, county department, multicounty
20 consortium, or tribal governing body, or employees of any of them, may not disclose
21 information obtained under this subdivision for any purpose not connected with the
22 administration of the income maintenance program for which the information was
23 requested.

24 2. In conjunction with any request for information under subd. 1., including a
25 request made by subpoena under par. (b), the department, county department,

1 multicounty consortium, or tribal governing body shall advise the person of the time
2 by which the information must be provided.

3 **SECTION 1500m.** 49.78 (11) (b) of the statutes is amended to read:

4 49.78 (11) (b) The department, a county department, a multicounty
5 consortium, or a tribal governing body may issue a subpoena, in substantially the
6 form authorized under s. 885.02, to compel the production of financial information
7 or other documentary evidence for determining or verifying eligibility or benefits for
8 a recipient under any income maintenance program.

9 **SECTION 1501m.** 49.78 (11) (c) 1. of the statutes is amended to read:

10 49.78 (11) (c) 1. Allowing access to financial or other records by the department,
11 a county department, a multicounty consortium, or a tribal governing body in
12 response to a request under par. (a) or a subpoena described in par. (b).

13 **SECTION 1502m.** 49.78 (11) (c) 2. of the statutes is amended to read:

14 49.78 (11) (c) 2. Disclosing information from financial or other records to the
15 department, a county department, a multicounty consortium, or a tribal governing
16 body in response to a request under par. (a) or a subpoena described in par. (b).

17 **SECTION 1503m.** 49.78 (11) (c) 3. of the statutes is amended to read:

18 49.78 (11) (c) 3. Any other action taken in good faith to comply with this
19 subsection or a subpoena described in par. (b) or to comply with a request for
20 information or access to records from the department, a county department, a
21 multicounty consortium, or a tribal governing body for determining or verifying
22 eligibility or benefits for a recipient under any income maintenance program.

23 **SECTION 1504m.** 49.785 (2) of the statutes is amended to read:

24 49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department
25 shall reimburse a county or applicable tribal governing body or organization for any

1 amount that the county or applicable tribal governing body or organization is
2 required to pay under sub. (1) if the county or applicable tribal governing body or
3 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~
4 (br), the department shall reimburse a county or applicable tribal governing body or
5 organization for cemetery expenses or for funeral and burial expenses for a person
6 described under sub. (1) that the county or applicable tribal governing body or
7 organization is not required to pay under subs. (1) and (1m) only if the department
8 approves the reimbursement due to unusual circumstances and if the county or
9 applicable tribal governing body or organization complies with sub. (3).

10 **SECTION 1505m.** 49.79 (1) (e) of the statutes is created to read:

11 49.79 (1) (e) "Multicounty consortium" has the meaning given in s. 49.78 (1)
12 (br).

13 **SECTION 1506m.** 49.79 (3) of the statutes is amended to read:

14 49.79 (3) LIABILITY FOR LOST FOOD COUPONS. (a) A county, multicounty
15 consortium, or federally recognized American Indian tribe is liable for all food stamp
16 coupons lost, misappropriated, or destroyed while under the county's, consortium's,
17 or tribe's direct control, except as provided in par. (b).

18 (b) A county, multicounty consortium, or federally recognized American Indian
19 tribe is not liable for food stamp coupons lost in natural disasters if it provides
20 evidence acceptable to the department that the coupons were destroyed and not
21 redeemed.

22 (c) A county, multicounty consortium, or federally recognized American Indian
23 tribe is liable for food stamp coupons mailed to residents of the county or counties
24 that are in the multicounty consortium or members of the tribe and lost in the mail
25 due to incorrect information submitted to the department by the county or tribe.

1 **SECTION 1507m.** 49.79 (4) of the statutes is amended to read:

2 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
3 department shall withhold the value of food stamp losses for which a county,
4 multicounty consortium, or federally recognized American Indian tribe is liable
5 under sub. (3) from the payment to the county, multicounty consortium, or tribe
6 under income maintenance contracts under s. 49.78 and reimburse the federal
7 government from the funds withheld.

8 **SECTION 1534.** 49.79 (8) of the statutes is amended to read:

9 49.79 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide
10 benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~
11 ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~
12 ~~approved by the federal department of agriculture. This subsection does not apply,~~
13 except to the extent that federal food stamp benefits for qualified aliens are restored
14 required by the federal government.

15 **SECTION 1535m.** 49.79 (9) (a) 1. of the statutes is amended to read:

16 49.79 (9) (a) 1. The department shall administer an employment and training
17 program for recipients under the food stamp program and may contract ~~under s.~~
18 ~~49.78~~ with county departments under ss. 46.215, 46.22, and 46.23, multicounty
19 consortia, and with tribal governing bodies to carry out the administrative functions.
20 The department may contract, or a county department, multicounty consortium, or
21 tribal governing body may subcontract, with a Wisconsin Works agency or another
22 provider to administer the employment and training program under this subsection.
23 Except as provided in subds. 2. and 3., the department may require able individuals
24 who are 18 to 60 years of age who are not participants in a Wisconsin Works

1 employment position to participate in the employment and training program under
2 this subsection.

3 **SECTION 1536g.** 49.793 (1) of the statutes is amended to read:

4 49.793 (1) The department or a county ~~or~~, a multicounty consortium, as defined
5 in s. 49.78 (1) (br), or an elected governing body of a federally recognized American
6 Indian tribe or band acting on behalf of the department, may recover overpayments
7 that arise from an overissuance of food coupons under the food stamp program
8 administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in
9 accordance with 7 USC 2022.

10 **SECTION 1536m.** 49.793 (2) (a) of the statutes is amended to read:

11 49.793 (2) (a) Except as provided in par. (b), a county, multicounty consortium,
12 as defined in s. 49.78 (1) (br), or governing body of a federally recognized American
13 Indian tribe may retain a portion of the amount of an overpayment the state is
14 authorized to retain under 7 USC 2025 that is recovered under sub. (1) due to the
15 efforts of an employee or officer of the county, multicounty consortium, or tribe. The
16 department shall promulgate a rule establishing the portion of the amount of the
17 overpayment that the county, multicounty consortium, or governing body may
18 retain. This paragraph does not apply to recovery of an overpayment that was made
19 as a result of state, county, multicounty consortium, or tribal governing body error.

20 **SECTION 1537m.** 49.795 (1) (cm) of the statutes is created to read:

21 49.795 (1) (cm) "Multicounty consortium" has the meaning given in s. 49.78 (1)
22 (br).

23 **SECTION 1538m.** 49.795 (1) (e) 1. of the statutes is amended to read:

1 49.795 (1) (e) 1. An employee or officer of the federal government, the state, a
2 county, a multicounty consortium, or a federally recognized American Indian tribe
3 acting in the course of official duties in connection with the food stamp program.

4 **SECTION 1539m.** 49.795 (1) (e) 2. of the statutes is amended to read:

5 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
6 the federal government, the state, a county, a multicounty consortium, or a federally
7 recognized American Indian tribe in connection with the food stamp program.

8 **SECTION 1540m.** 49.795 (8) (d) 2. of the statutes is amended to read:

9 49.795 (8) (d) 2. The person may apply to the ~~county department under s.~~
10 ~~46.215, 46.22 or 46.23~~ multicounty consortium or the federally recognized American
11 Indian tribal governing body or, if the person is a supplier, to the federal department
12 of agriculture for reinstatement following the period of suspension, if the suspension
13 is not permanent.

14 **SECTION 1541m.** 49.797 (8) of the statutes is amended to read:

15 49.797 (8) COUNTY PARTICIPATION; EXCEPTION. The department may not require
16 a ~~county~~ multicounty consortium, as defined in s. 49.78 (1) (br), or tribal governing
17 body to participate in an electronic benefit transfer system under this section if the
18 costs to the ~~county~~ multicounty consortium or tribal governing body would be greater
19 than the costs that the ~~county~~ multicounty consortium or tribal governing body
20 would incur in delivering the benefits through a system that is not an electronic
21 benefit transfer system.

22 **SECTION 1544m.** 49.825 (2) (d) 1. of the statutes is renumbered 49.825 (2) (d)
23 and amended to read:

24 49.825 (2) (d) The department shall reimburse the county for all approved,
25 allowable costs ~~that exceed the amounts specified in subd. 2. and that are incurred~~

1 by the county under a contract with the department for the operation of the public
2 assistance programs under par. (a) in the county.

3 **SECTION 1545m.** 49.825 (2) (d) 2. of the statutes is repealed.

4 **SECTION 1545n.** 49.825 (3) (a) of the statutes is amended to read:

5 49.825 (3) (a) Supervisory personnel in the unit shall be state employees.
6 Nonsupervisory staff performing services under this section for the unit may be a
7 combination of state employees and employees of Milwaukee County. ~~For the~~
8 ~~performance of services under this section for the unit, the county shall maintain no~~
9 ~~fewer represented authorized full-time employee positions than the number of~~
10 ~~represented full-time employee positions that were authorized on February 1, 2009,~~
11 ~~for performance of the same types of services.~~

12 **SECTION 1545p.** 49.825 (4) (intro.) of the statutes is amended to read:

13 49.825 (4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE
14 EMPLOYEE POSITIONS IN THE UNIT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (TITLE)
15 [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee who
16 is appointed to a state employee position in the unit after May 29, 2009, and before
17 the effective date of this subsection [LRB inserts date], and who, immediately
18 prior to his or her appointment, was a county employee:

19 **SECTION 1545r.** 49.825 (4) (e) of the statutes is created to read:

20 49.825 (4) (e) Notwithstanding par. (c), beginning on the effective date of this
21 paragraph [LRB inserts date], an employee who has opted under par. (c) to remain
22 a participating employee in the retirement system established under chapter 201,
23 laws of 1937, shall remain a participating employee in the retirement system until
24 the employee has vested in all retirement contributions paid by, or on behalf of, the
25 employee. When the employee becomes vested in all of the contributions paid by, or

1 on behalf of, the employee in the retirement system established under chapter 201,
2 laws of 1937, the employee may no longer be a participating employee in that
3 retirement system and shall immediately become a participating employee in the
4 Wisconsin retirement system.

5 **SECTION 1545t.** 49.825 (5) of the statutes is created to read:

6 49.825 (5) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE
7 EMPLOYEE POSITIONS IN THE UNIT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
8 (TITLE) ... [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee
9 who is appointed to a state employee position in the unit on or after the effective date
10 of this subsection ... [LRB inserts date], and who, immediately prior to his or her
11 appointment, was a county employee performing services for the unit:

12 (a) The employee shall serve any applicable probationary period under s.
13 230.28, but shall have his or her seniority with the state computed by treating the
14 employee's total service with the county as state service.

15 (b) Annual leave for the employee shall accrue at the rate provided in s. 230.35
16 using the employee's state service computed under par. (a).

17 (c) 1. The employee shall remain a participating employee in the retirement
18 system established under chapter 201, laws of 1937, until the employee becomes
19 vested in all of the contributions paid by, or on behalf of, the employee in the
20 retirement system. When the employee becomes vested in all of the contributions
21 paid by, or on behalf of, the employee in the retirement system established under
22 chapter 201, laws of 1937, the employee may no longer be a participating employee
23 in that retirement system and shall immediately become a participating employee
24 in the Wisconsin retirement system.

1 2. The secretary shall pay, on behalf of the employee, all required employer
2 contributions under the retirement system established under chapter 201, laws of
3 1937.

4 (d) The employee shall have his or her sick leave accrued with the state
5 computed by treating the employee's unused balance of sick leave accrued with the
6 county as sick leave accrued in state service, but not to exceed the amount of sick
7 leave the employee would have accrued in state service for the same period, if the
8 employee is able to provide adequate documentation in accounting for sick leave used
9 during the accrual period with the county. Sick leave that transfers under this
10 paragraph is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon
11 death or termination of creditable service for payment of health insurance benefits
12 on behalf of the employee or the employee's dependents.

13 (e) The employee shall not be subject to s. 40.23 (2m) (er) and (3) (b).

14 **SECTION 1555m.** 49.847 (1) of the statutes is amended to read:

15 49.847 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health
16 services, or a county, multicounty consortium, as defined in s. 49.78 (1) (br), or elected
17 governing body of a federally recognized American Indian tribe or band acting on
18 behalf of the department, may recover benefits incorrectly paid under any of the
19 programs administered by the department under this chapter.

20 **SECTION 1556m.** 49.847 (2) of the statutes is amended to read:

21 49.847 (2) The department, county, multicounty consortium, as defined in s.
22 49.78 (1) (br), or elected governing body may recover an overpayment from a family
23 or individual who continues to receive benefits under any program administered by
24 the department under this chapter by reducing the family's or individual's benefit

1 amount. Subject to s. 49.793 (1), the department may by rule specify other methods
2 for recovering incorrectly paid benefits.

3 **SECTION 1628.** 49.857 (1) (c) of the statutes is amended to read:

4 49.857 (1) (c) "Credentialing board" means a board, examining board or
5 affiliated credentialing board in the department of ~~regulation and licensing~~ safety
6 and professional services that grants a credential.

7 **SECTION 1629.** 49.857 (2) (b) 1. of the statutes is amended to read:

8 49.857 (2) (b) 1. The circumstances under which the licensing authority or the
9 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or
10 issue or refuse to renew or revalidate a license and guidelines for determining the
11 appropriate action to take. The memorandum of understanding with the
12 department of ~~regulation and licensing~~ safety and professional services shall include
13 the circumstances under which the department of ~~regulation and licensing~~ safety
14 and professional services shall direct a credentialing board to restrict, limit,
15 suspend, withhold, deny or refuse to grant a credential and guidelines for
16 determining the appropriate action to take. The guidelines under this subdivision
17 for determining the appropriate action to take shall require the consideration of
18 whether the action is likely to have an adverse effect on public health, safety or
19 welfare or on the environment, and of whether the action is likely to adversely affect
20 individuals other than the individual holding or applying for the license, such as
21 employees of that individual.

22 **SECTION 1630.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

23 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
24 delinquency in support or a failure to comply with a subpoena or warrant. The
25 memorandum of understanding with the department of ~~regulation and licensing~~

1 safety and professional services shall include procedures for the department of
2 ~~regulation and licensing~~ safety and professional services to notify a credentialing
3 board that a certification of delinquency in support or failure to comply with a
4 subpoena or warrant has been made by the department of children and families with
5 respect to an individual who holds or applied for a credential granted by the
6 credentialing board.

7 **SECTION 1631.** 49.857 (2) (b) 2. c. of the statutes is amended to read:

8 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an
9 individual has paid delinquent support or made satisfactory alternative payment
10 arrangements or satisfied the requirements under a subpoena or warrant. The
11 memorandum of understanding with the department of ~~regulation and licensing~~
12 safety and professional services shall include procedures for the department of
13 ~~regulation and licensing~~ safety and professional services to notify a credentialing
14 board that an individual who holds or applied for a credential granted by the
15 credentialing board has paid delinquent support or made satisfactory alternative
16 payment arrangements or satisfied the requirements under a subpoena or warrant.

17 **SECTION 1632.** 49.857 (2) (b) 3. a. of the statutes is amended to read:

18 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,
19 refusing to grant or issue or refusing to renew or revalidate a license. The
20 memorandum of understanding with the department of ~~regulation and licensing~~
21 safety and professional services shall include procedures for the department of
22 ~~regulation and licensing~~ safety and professional services to direct a credentialing
23 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

24 **SECTION 1633.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

1 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children
2 and families notifies the licensing authority or licensing agency that an individual
3 who was delinquent in making court-ordered payments of support has paid the
4 delinquent support or made satisfactory alternative payment arrangements or that
5 an individual who failed to comply with a subpoena or warrant has satisfied the
6 requirements under the subpoena or warrant. The memorandum of understanding
7 with the department of ~~regulation and licensing~~ safety and professional services
8 shall include procedures for the department of ~~regulation and licensing~~ safety and
9 professional services to direct a credentialing board to grant or reinstate a credential
10 if the department of children and families notifies the department of ~~regulation and~~
11 ~~licensing~~ safety and professional services that an individual who holds or applied for
12 a credential granted by the credentialing board has paid the delinquent support or
13 made satisfactory alternative payment arrangements or that an individual who
14 failed to comply with a subpoena or warrant has satisfied the requirements under
15 the subpoena or warrant.

16 **SECTION 1634.** 49.857 (3) (a) 1. of the statutes is amended to read:

17 49.857 (3) (a) 1. That a certification of delinquency in paying support will be
18 made to a licensing authority, a licensing agency or, with respect to a credential
19 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
20 and professional services.

21 **SECTION 1635.** 49.857 (3) (am) 1. of the statutes is amended to read:

22 49.857 (3) (am) 1. That the individual's name has been placed on a certification
23 list, which will be provided to a licensing authority, a licensing agency or, with respect
24 to a credential granted by a credentialing board, the department of ~~regulation and~~
25 ~~licensing~~ safety and professional services.

1 **SECTION 1636.** 49.857 (3) (b) 1. of the statutes is amended to read:

2 49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena
3 or warrant will be made to a licensing authority, a licensing agency or, with respect
4 to a credential granted by a credentialing board, the department of ~~regulation and~~
5 licensing safety and professional services.

6 **SECTION 1637.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

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

14 **SECTION 1638.** 49.857 (3) (d) 1. of the statutes is amended to read:

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

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

3 **SECTION 1639.** 49.857 (3) (d) 2. of the statutes is amended to read:

4 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
5 failure to comply with a subpoena or warrant, is denied a license or whose license,
6 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
7 suspended, or refused renewal or revalidation under a memorandum of
8 understanding entered into under sub. (2) (b) satisfies the requirements under the
9 subpoena or warrant, the department of children and families shall immediately
10 notify the licensing authority or licensing agency to issue or reinstate the individual's
11 license as provided in the memorandum of understanding. If the individual held or
12 applied for a credential granted by a credentialing board, the department of
13 ~~regulation and licensing~~ safety and professional services shall, upon notice by the
14 department of children and families, notify the credentialing board to grant or
15 reinstate the individual's credential.

16 **SECTION 1640.** 49.857 (4) of the statutes is amended to read:

17 49.857 (4) Each licensing agency shall enter into a memorandum of
18 understanding with the department of children and families under sub. (2) (b) and
19 shall cooperate with the department of children and families in its administration
20 of s. 49.22. The department of ~~regulation and licensing~~ safety and professional
21 services shall enter into a memorandum of understanding with the department of
22 children and families on behalf of a credentialing board with respect to a credential
23 granted by the credentialing board.

24 **SECTION 1647.** 50.01 (1) (c) of the statutes is repealed.

25 **SECTION 1648.** 50.01 (1g) (c) of the statutes is amended to read:

1 50.01 (1g) (c) A shelter facility as defined under s. ~~560.9808~~ 16.308 (1) (d).

2 **SECTION 1649.** 50.02 (1) of the statutes is amended to read:

3 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
4 statewide licensing, inspection, and regulation of community-based residential
5 facilities and nursing homes as provided in this subchapter. The department shall
6 certify, inspect, and otherwise regulate adult family homes, as specified under ~~ss.~~
7 ~~50.031 and s.~~ 50.032 and shall license adult family homes, as specified under s.
8 50.033. Nothing in this subchapter may be construed to limit the authority of the
9 department of ~~commerce~~ safety and professional services or of municipalities to set
10 standards of building safety and hygiene, but any local orders of municipalities shall
11 be consistent with uniform, statewide regulation of community-based residential
12 facilities. The department may not prohibit any nursing home from distributing
13 over-the-counter drugs from bulk supply. The department may consult with
14 nursing homes as needed and may provide specialized consultations when requested
15 by any nursing home, separate from its inspection process, to scrutinize any
16 particular questions the nursing home raises. The department shall, by rule, define
17 “specialized consultation”.

18 **SECTION 1650.** 50.02 (2) (a) of the statutes is amended to read:

19 50.02 (2) (a) The department, by rule, shall develop, establish and enforce
20 regulations and standards for the care, treatment, health, safety, rights, welfare and
21 comfort of residents in community-based residential facilities and nursing homes
22 and for the construction, general hygiene, maintenance and operation of those
23 facilities which, in the light of advancing knowledge, will promote safe and adequate
24 accommodation, care and treatment of residents in those facilities; and promulgate
25 and enforce rules consistent with this section. Such standards and rules shall

1 provide that intermediate care facilities, which have 16 or fewer beds may, if
2 exempted from meeting certain physical plant, staffing and other requirements of
3 the federal regulations, be exempted from meeting the corresponding provisions of
4 the department's standards and rules. The department shall consult with the
5 department of ~~commerce~~ safety and professional services when developing
6 exemptions relating to physical plant requirements.

7 **SECTION 1652.** 50.031 of the statutes is repealed.

8 **SECTION 1653.** 50.035 (2) (a) 3. of the statutes is amended to read:

9 50.035 (2) (a) 3. The department or the department of ~~commerce~~ safety and
10 professional services may waive the requirement under subd. 1. or 2. for a
11 community-based residential facility that has a smoke detection or sprinkler system
12 in place that is at least as effective for fire protection as the type of system required
13 under the relevant subdivision.

14 **SECTION 1654.** 50.035 (2) (b) (intro.) of the statutes is amended to read:

15 50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails
16 to receive the approval of the department or of the department of ~~commerce~~ safety
17 and professional services. At least one smoke detector shall be located at each of the
18 following locations:

19 **SECTION 1656.** 50.065 (2) (am) 3. of the statutes is amended to read:

20 50.065 (2) (am) 3. Information maintained by the department of ~~regulation and~~
21 licensing safety and professional services regarding the status of the person's
22 credentials, if applicable.

23 **SECTION 1657.** 50.065 (2) (b) 3. of the statutes is amended to read:

1 50.065 (2) (b) 3. Information maintained by the department of ~~regulation and~~
2 licensing safety and professional services regarding the status of the person's
3 credentials, if applicable.

4 **SECTION 1658.** 50.065 (4m) (a) 5. of the statutes is amended to read:

5 50.065 (4m) (a) 5. That, in the case of a position for which the person must be
6 credentialed by the department of ~~regulation and licensing~~ safety and professional
7 services, the person's credential is not current or is limited so as to restrict the person
8 from providing adequate care to a client.

9 **SECTION 1659.** 50.065 (4m) (b) 5. of the statutes is amended to read:

10 50.065 (4m) (b) 5. That, in the case of a position for which the person must be
11 credentialed by the department of ~~regulation and licensing~~ safety and professional
12 services, the person's credential is not current or is limited so as to restrict the person
13 from providing adequate care to a client.

14 **SECTION 1660.** 50.36 (1) of the statutes is amended to read:

15 50.36 (1) The department shall promulgate, adopt, amend and enforce such
16 rules and standards for hospitals for the construction, maintenance and operation
17 of the hospitals deemed necessary to provide safe and adequate care and treatment
18 of the patients in the hospitals and to protect the health and safety of the patients
19 and employees; and nothing contained herein shall pertain to a person licensed to
20 practice medicine and surgery or dentistry. The building codes and construction
21 standards of the department of ~~commerce~~ safety and professional services shall
22 apply to all hospitals and the department may adopt additional construction codes
23 and standards for hospitals, provided they are not lower than the requirements of
24 the department of ~~commerce~~ safety and professional services. Except for the
25 construction codes and standards of the department of ~~commerce~~ safety and

1 professional services and except as provided in s. 50.39 (3), the department shall be
2 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

3 **SECTION 1661.** 50.36 (6) of the statutes is amended to read:

4 50.36 (6) If the department receives a credible complaint that a pharmacy
5 located in a hospital has violated its duty to dispense contraceptive drugs and devices
6 under s. 450.095 (2), the department shall refer the complaint to the department of
7 regulation and licensing safety and professional services.

8 **SECTION 1663.** ✓ 51.03 (6) of the statutes is repealed.

9 **SECTION 1664.** ✓ 51.35 (5) of the statutes is amended to read:

10 51.35 (5) RESIDENTIAL LIVING ARRANGEMENTS; TRANSITIONARY SERVICES. The
11 department and any person, director, or board authorized to discharge or transfer
12 patients under this section shall ensure that a proper residential living arrangement
13 and the necessary transitional services are available and provided for the patient
14 being discharged or transferred. Under this subsection, a proper residential living
15 arrangement may not include a shelter facility, as defined under s. ~~560.9808~~ 16.308
16 (1) (d), unless the discharge or transfer to the shelter facility is made on an
17 emergency basis for a period not to exceed 10 days.

18 **SECTION 1665.** 51.42 (3) (a) of the statutes is amended to read:

19 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county
20 board of supervisors of any county, or the county boards of supervisors of 2 or more
21 ~~contiguous~~ counties, shall establish a county department of community programs on
22 a single-county or multicounty basis to administer a community mental health,
23 developmental disabilities, alcoholism and drug abuse program, make
24 appropriations to operate the program and authorize the county department of
25 community programs to apply for grants-in-aid under s. 51.423. The county

1 department of community programs shall consist of a county community programs
2 board, a county community programs director and necessary personnel.

3 **SECTION 1666.** 51.42 (7) (a) 7. of the statutes is amended to read:

4 51.42 (7) (a) 7. Develop a program in consultation with the department of
5 ~~regulation and licensing~~ safety and professional services to use voluntary,
6 uncompensated services of licensed or certified professionals to assist the
7 department of health services in evaluating community mental health programs in
8 exchange for continuing education credits for the professionals under ss. 448.40 (2)
9 (e) and 455.065 (5).

10 **SECTION 1667.** 51.437 (4g) (a) of the statutes is amended to read:

11 51.437 (4g) (a) Except as provided under par. (b) and ss. 46.21 (2m) (b) and
12 46.23 (3) (b), every county board of supervisors shall establish a county department
13 of developmental disabilities services on a single-county or multicounty basis to
14 furnish services within its county. ~~Adjacent counties,~~ Counties lacking the financial
15 resources and professional personnel needed to provide or secure such services on a
16 single-county basis, may ~~and shall be encouraged to~~ combine their energies and
17 financial resources to provide these joint services and facilities with the approval of
18 the department of health services. The county department of developmental
19 disabilities services shall consist of a county developmental disabilities services
20 board, a county developmental disabilities services director and necessary
21 personnel.

22 **SECTION 1667g.** 51.61 (1) (o) of the statutes is amended to read:

23 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or
24 taped, unless the patient signs an informed and voluntary consent that specifically
25 authorizes a named individual or group to film or tape the patient for a particular

1 purpose or project during a specified time period. The patient may specify in the
2 consent periods during which, or situations in which, the patient may not be filmed
3 or taped. If a patient is adjudicated incompetent, the consent shall be granted on
4 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the
5 Mendota Mental Health Institute, ~~or~~ a patient detained or committed under ch. 980
6 ~~and placed in a facility specified under s. 980.065, or a patient who is in the legal~~
7 custody of or under the supervision of the department of corrections, may be subject
8 to video surveillance or filmed or taped ~~for security purposes~~ without the patient's
9 consent, except that such a patient may not be filmed in patient bedrooms or
10 bathrooms without the patient's consent unless the patient is engaged in dangerous
11 or disruptive behavior. A treatment activity involving a patient committed or
12 detained under ch. 980 may be filmed or taped if the purpose of the recording is to
13 assess the quality of the treatment activity or to facilitate clinical supervision of the
14 staff involved in the treatment activity.

15 **SECTION 1668.** 55.043 (4) (b) 5. of the statutes is amended to read:

16 55.043 (4) (b) 5. Refer the case to the department of ~~regulation and licensing~~
17 safety and professional services if the financial exploitation, neglect, self-neglect, or
18 abuse involves an individual who is required to hold a credential, as defined in s.
19 440.01 (2) (a), under chs. 440 to 460.

20 **SECTION 1670.** [✓] 59.27 (10) of the statutes is amended to read:

21 59.27 (10) To enforce in the county all general orders of the department of
22 ~~commerce~~ safety and professional services relating to the sale, transportation and
23 storage of explosives.

24 **SECTION 1675n.** 59.52 (30) of the statutes is created to read:

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1 **59.52 (30) LIMITATION ON PERFORMANCE OF HIGHWAY WORK.** Notwithstanding ss.
2 66.0131, 66.0301, and 83.035, a county may not use its own workforce to perform a
3 highway improvement project on a highway under the jurisdiction of another county
4 or a municipality that is located in a different county unless one of the following
5 applies:

6 (a) A portion of the project lies within the county performing the work and no
7 portion of the project extends beyond an adjoining county.

8 (b) The project lies, wholly or in part, within a municipality that lies partially
9 within the county performing the work. ✓

10 **SECTION 1677.** 59.57 (1) (a) of the statutes is amended to read:

11 59.57 (1) (a) Subject to par. (b), the board may appropriate money for and create
12 a county industrial development agency or to any nonprofit agency organized to
13 engage or engaging in activities described in this paragraph, appoint an executive
14 officer and provide a staff and facilities to promote and develop the resources of the
15 county and of its component municipalities. To this end the agency may, without
16 limitation because of enumeration, develop data regarding the industrial needs,
17 advantages and sites in the county, acquaint the purchaser with the products of the
18 county by promotional activities, coordinate its work with that of the county
19 planning commission, the ~~department of commerce~~ Wisconsin Economic
20 Development Corporation, and private credit development corporations, and do all
21 things necessary to provide for the continued improvement of the industrial climate
22 of the county. ✓

23 **SECTION 1678.** 59.57 (1) (b) of the statutes is amended to read:

24 59.57 (1) (b) If a county with a population of 500,000 or more appropriates
25 money under par. (a) to fund nonprofit agencies, the county shall have a goal of

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