

**2015 DRAFTING REQUEST**

**Bill**

Received: 10/2/2014 Received By: pkahler  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Major  
May Contact: Drafter: pkahler  
Subject: Public Assistance - Wis works Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to: sbostatlanguage@webapps.wi.gov  
elisabeth.shea@legis.wisconsin.gov

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**Pre Topic:**

DOA:.....Major, BB0109 -

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**Topic:**

Work experience program drug testing and treatment

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	pkahler 1/27/2015	jdyer 1/26/2015	jfrantze 1/26/2015	_____	mbarman 1/26/2015		State
/2	pkahler 1/27/2015	jdyer 1/27/2015	rschluet 1/27/2015	_____	mbarman 1/27/2015		State
/3	pkahler 1/28/2015	jdyer 1/27/2015	jmurphy 1/27/2015	_____	srose 1/27/2015		State
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Work experience program drug testing and treatment

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*J. Shea*  
1/26/15

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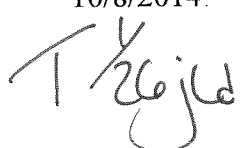
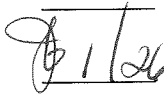
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*TTZ15*

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W-2 drug testing and treatment

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See attached

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/? pkahler

PI 10/8 jld jd [Signature] [Signature]

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, October 02, 2014 1:46 PM  
**To:** Kahler, Pam  
**Subject:** FW: Statutory Language Drafting Request - BB0109  
**Attachments:** W-2 Drug Testing and Treatment.pdf

---

**From:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov) [mailto:[katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)]  
**Sent:** Thursday, October 02, 2014 1:41 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0109

Biennial Budget: 2015-17

Topic: W-2 Drug Testing and Treatment

Tracking Code: BB0109

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA  
Phone: 608-266-2288  
E-mail: [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

All W-2 applicants complete substance abuse screening questionnaire, if indicates reasonable likelihood of substance abuse will drug test, if positive drug test then required participation in substance abuse treatment to remain w-2 eligible.

Attachments: True

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)



**DEPARTMENT OF CHILDREN AND FAMILIES**  
**2015-17 Biennial Budget**  
**White Paper**

**Issue:** Wisconsin Works (W-2) Drug Testing and Treatment

**Background**

Substance abuse and addiction are barriers to employment and should be appropriately addressed within the W-2 program. Studies have shown the prevalence of illicit drug use among Temporary Assistance for Needy Families (TANF) participants to be somewhere between 5 and 10 percent. Nevertheless, for the small group of TANF recipients that do struggle with substance abuse and addiction it can be a significant barrier to employment, and substance abuse treatment can be vital. Research has confirmed that welfare recipients with substance abuse problems are less likely to be employed or steadily employed than those without such obstacles. Conversely, numerous studies have shown benefits, including improved employability, higher earnings, healthier environments for children, and overall cost savings, of providing treatment options. These options include outpatient, along with short- and long-term residential treatment, and can vary by the services offered as well as the length of treatment.

As an employment readiness program, W-2 must prepare participants for employment, which often includes drug testing as part of the job application process. According to the 2014 Edition of the Hire Right Annual Employment Screening Benchmark Report, drug and alcohol testing continues to be an important part of screening both before and after hiring of employees. When surveyed, fifty-eight percent of respondents indicated their organization conducted drug and/or alcohol screening, and this number jumped to 62% for respondents from organizations of more than 4,000 employees. A scan of open employment positions listed on the Job Center of Wisconsin website shows that many entry level and blue collar jobs, such as certified nursing assistants, welders, retail workers, truck drivers, and food service workers, require a pre-employment drug test.

Parental substance abuse affects the entire family. Children with parents who abuse substances are 3 times more likely to be abused, and more than 4 times as likely to be neglected, than those who grow up without an addicted parent. Furthermore, a child exposed to a parent's drug use may be more likely to exhibit behavioral problems at home and school and is also at higher risk for developing a mental illness, such as anxiety or depression.

**Analysis of Other States**

- Ten states currently require drug testing of TANF applicants suspected of illegal use of controlled substances. The basis for determining who is under suspicion varies by state and includes such conditions as: 1) results of a screening tool or questionnaire; 2) a prior drug conviction; 3) behavioral cues such as missed appointments or a person's demeanor; and 4) police records or other information gleaned from law enforcement, courts or other government agencies.
- Two states, Florida and Michigan, have attempted to implement "suspicionless drug testing", a requirement that all TANF applicants submit to a drug test. Both programs have been struck down through court decisions finding that in the absence of a basis for suspicion, drug

testing of recipients is an unconstitutional violation of privacy protections. Most recently, in February 2013, the 11<sup>th</sup> circuit court of appeals upheld a lower court's ruling to halt enforcement of Florida's program.

- Most states that require TANF applicants to be screened for substance abuse use a relatively simple screening tool. The most popular is the four question CAGE screen, which directly asks the individual about alcohol and drug use patterns. The second most popular is the Substance Abuse Subtle Screening Inventory (SASSI), which is made up of 78 true/false or multiple-choice questions, but is still designed to be completed in 10 – 15 minutes via a computer.

### **Proposal**

Address the parent's substance abuse problem through treatment and services while continuing to provide financial support to the family to ensure children are not put at further risk of abuse or neglect. The proposal would include the following:

1. All W-2 applicants must complete a substance abuse screening questionnaire.
2. A questionnaire result that indicates reasonable likelihood of substance abuse will mandate a urinalysis or other drug test to test for use of illicit drugs.
3. Those who have a positive drug test will be required to participate in substance abuse treatment to remain eligible for W-2. The W-2 agency will initiate treatment by first referring the individual to a licensed clinical therapist to determine treatment options. The participant is required to follow an employment plan that includes at least 60 days of treatment and until the substance abuse treatment provider releases him or her from ongoing treatment.
4. During the course of treatment, subsequent random drug tests must be negative for the participant and family to continue to be served by W-2 program. At the end of substance abuse treatment, the last random drug test is provided, and if negative, the drug testing process will be considered complete.

This proposal would not change the existing statutory requirement that participants in a CSJ or W-2 T, who have been convicted of a drug felony within the 5 years prior to the date of application for W-2, submit to a test for use of a controlled substance as a condition of continued eligibility. The existing statute also gives the W-2 agency the authority to require a participant who tests positive for use of a controlled substance to participate in a drug abuse evaluation and treatment program as part of his or her participation requirements. [Wisconsin Statutes, s. 49.148(4)]

### **Fiscal Implications**

The following costs may be incurred under this proposal: 1) Purchasing the drug tests, including initial and retests; 2) Laboratory fees; 3) Staff time to administer tests, monitor compliance and eligibility and deal with increased administrative hearings; 4) Modifying facilities to accommodate the testing; 5) Modifying computer programs to include drug testing in eligibility; 6) Substance abuse treatment; 7) Hiring a contractor to administer the tests; 8) program oversight; and 9) Legal fees if the law is challenged.



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0350/

PJK:.....

PI  
JLd

DOA:.....Major, BB0109 - W-2 drug testing and treatment

**FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION**

(in 10-7)

don't get cut

✓  
1

AN ACT...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES ✓**

**WISCONSIN WORKS ✓**

✓ The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides, among other things, work experience and monetary benefits for low-income custodial parents who are at least 18 years old. W-2 provides work experience to participants through placement, depending on a participant's skills, training, and experience, in one of a number of different employment positions, including Trial Employment Match Program jobs, community service jobs, and transitional placements. Under current law, if an individual in a community service job or a transitional placement was convicted after August 22, 1996, in any state or federal court of a felony that has as an element possession, use, or distribution of a controlled substance, the individual must submit to a test for use of a controlled substance as a condition of continued eligibility. If the test results are positive, the individual's benefit is reduced by up to 15 percent for at least 12 months, and the W-2 agency may require the individual to participate in a drug abuse evaluation, assessment, and treatment program.

✓  
the

This bill requires every applicant for a W-2 employment position to complete a questionnaire that screens for the abuse of a controlled substance. If DCF determines, based on the answers to the questionnaire, that there is a reasonable likelihood that an applicant who is otherwise eligible for W-2 is abusing a controlled

\*

substance, the individual must undergo a test for the use of a controlled substance. If the test results are positive, the individual must participate in substance abuse treatment to remain eligible for W-2. DCF must refer the individual to a substance abuse treatment provider, and the individual must follow an employment plan that includes treatment for not less than 60 days or until the substance abuse treatment provider releases the individual from treatment, whichever is longer. While the individual is undergoing treatment, he or she must submit to random testing for the use of a controlled substance, and the test results must be negative for the individual to remain eligible for W-2. If the individual completes treatment and tests negative for the use of a controlled substance at the completion of treatment, he or she will have satisfactorily completed the substance abuse testing under the W-2 application process. The substance abuse testing under the W-2 application process is in addition to the testing under current law for the use of a controlled substance as a condition of continued eligibility for an individual in a community service job or a transitional placement who was convicted of a felony for the possession, use, or distribution of a controlled substance.

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

---

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

1           **SECTION 1.** 49.145 (2) (km) of the statutes is created to read:

2           49.145 (2) (km) The individual has satisfied all of the requirements related to  
3 substance abuse screening, testing, and treatment under s. 49.147 (1r) that apply to  
4 the individual.

5           **SECTION 2.** 49.147 (1r) of the statutes is created to read:

6           49.147 (1r) SUBSTANCE ABUSE SCREENING QUESTIONNAIRE AND TESTING. (a) In this  
7 subsection, "controlled substance" has the meaning given in s. 961.01 (4).

8           (b) Each individual who applies for a Wisconsin Works employment position  
9 shall complete a controlled substance abuse screening questionnaire devised by the  
10 department. If, on the basis of answers to the questionnaire, the department  
11 determines that there is a reasonable likelihood that an individual who is otherwise  
12 eligible for a Wisconsin Works employment position is abusing a controlled

1 substance, the department shall require the individual to undergo a test for the use  
2 of a controlled substance. If the individual refuses to submit to a test, the individual  
3 is not eligible to participate in Wisconsin Works.✓

4 (c) 1. If an individual who undergoes a test under par. (b)✓ tests negative for the  
5 use of a controlled substance, the individual will have satisfactorily completed the  
6 substance abuse testing requirements under this subsection.✓

7 2. If an individual who undergoes a test under par. (b)✓ tests positive for the use  
8 of a controlled substance, the department shall require the individual to participate  
9 in substance abuse treatment to remain eligible to participate in Wisconsin Works.✓  
10 The department shall refer the individual to a substance abuse treatment provider  
11 to determine treatment options, and shall require the individual to follow an  
12 employment plan that includes substance abuse treatment for not less than ✓60 days  
13 or until the substance abuse treatment provider releases the individual from  
14 treatment, whichever is longer.

15 (d)✓ During the time that an individual is receiving substance abuse treatment  
16 under par. (c),✓ the department shall require the individual to undergo random testing  
17 for the use of a controlled substance. The individual must cooperate with the testing  
18 and the results of the tests must be negative for the individual to remain eligible for  
19 Wisconsin Works. The individual will have satisfactorily completed the substance  
20 abuse testing requirements under this subsection if the individual completes  
21 treatment and tests negative for the use of a controlled substance at the conclusion  
22 of the treatment.✓

23 (e) The requirement under this subsection is in addition to the requirements  
24 under s. 49.148 (4).✓

25 **SECTION 9306. Initial applicability;✓Children and Families.**



## Kahler, Pam

---

**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Friday, December 05, 2014 9:01 AM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

Hi Pam, sorry- thinking about this some more- I think I misstated 1a....not TEMP specifically, but work experience/job programs for NCPs...I think the statute reference is correct though. Thanks!

---

**From:** Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]  
**Sent:** Friday, December 05, 2014 8:45 AM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

Thanks!

---

**From:** Major, Katrina L - DOA [mailto:Katrina.Major@wisconsin.gov]  
**Sent:** Friday, December 05, 2014 8:42 AM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0350

Hi Pam, I have some changes to draft 0350.

- 1) Can you please change the group to which it applies to only the following:
  - a) Noncustodial parents in TEMP (I think this provision would be 49.36)
  - b) Transform Milwaukee/Transitional Jobs
- 2) In section 2 c2, can you please take out "The department shall refer...etc" And instead put in that the Department may promulgate a rule with the details of the testing and treatment.

Let me know if you have questions, or feel free to call if you want to talk it through.

Thanks!

k

49.36

49.163

(49.159 (1))



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0350/P2  
PJK:jld:rs

work experience program  
(is changed)

DOA:.....Major, BB0109 - ~~W-2~~ drug testing and treatment

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

due FRIDAY,  
12-12

Done  
(in 12-5)

subhead

PUBLIC ASSISTANCE  
CS

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do not gen  
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau  
HEALTH AND HUMAN SERVICES

WISCONSIN WORKS

~~The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides, among other things, work experience and monetary benefits for low-income custodial parents who are at least 18 years old. W-2 provides work experience to participants through placement, depending on a participant's skills, training, and experience, in one of a number of different employment positions, including Trial Employment Match Program jobs, community service jobs, and transitional placements. Under current law, if an individual in a community service job or a transitional placement was convicted after August 22, 1996, in any state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance, the individual must submit to a test for use of a controlled substance as a condition of continued eligibility. If the test results are positive, the individual's benefit is reduced by up to 15 percent for at least 12 months and the W-2 agency may require the individual to participate in a drug abuse evaluation, assessment, and treatment program.~~

This bill requires every applicant for a W-2 employment position to complete a questionnaire that screens for the abuse of a controlled substance. If DCF determines, based on the answers to the questionnaire, that there is a reasonable likelihood that an applicant who is otherwise eligible for W-2 is abusing a controlled

Insert  
A

individual

a program



a program ✓

substance, the individual must undergo a test for the use of a controlled substance. If the test results are positive, the individual must participate in substance abuse treatment to remain eligible for W-2. DCF must refer the individual to a substance abuse treatment provider, and the individual must follow an employment plan that includes treatment for not less than 60 days or until the substance abuse treatment provider releases the individual from treatment, whichever is longer. While the individual is undergoing treatment, he or she must submit to random testing for the use of a controlled substance, and the test results must be negative for the individual to remain eligible for W-2. If the individual completes treatment and tests negative for the use of a controlled substance at the completion of treatment, he or she will have satisfactorily completed the substance abuse testing under the W-2 application process. The substance abuse testing under the W-2 application process is in addition to the testing under current law for the use of a controlled substance as a condition of continued eligibility for an individual in a community service job or a transitional placement who was convicted of a felony for the possession, use, or distribution of a controlled substance.

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

a program ✓

requirements for the program ✓

screening and testing and treatment

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

**SECTION 1.** 49.145 (2) (km) of the statutes is created to read:

49.145 (2) (km) The individual has satisfied all of the requirements related to substance abuse screening, testing, and treatment under s. 49.147 (1r) that apply to the individual.

**SECTION 2.** 49.147 (1r) of the statutes is created to read:

49.147 (1r) SUBSTANCE ABUSE SCREENING QUESTIONNAIRE AND TESTING. (a) In this subsection, "controlled substance" has the meaning given in s. 961.01 (4).

(b) Each individual who applies for a Wisconsin Works employment position shall complete a controlled substance abuse screening questionnaire devised by the department. If, on the basis of answers to the questionnaire, the department determines that there is a reasonable likelihood that an individual who is otherwise eligible for a Wisconsin Works employment position is abusing a controlled

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1 substance, the department shall require the individual to undergo a test for the use  
2 of a controlled substance. If the individual refuses to submit to a test, the individual  
3 is not eligible to participate in Wisconsin Works.

4 (c) 1. If an individual who undergoes a test under par. (b) tests negative for the  
5 use of a controlled substance, the individual will have satisfactorily completed the  
6 substance abuse testing requirements under this subsection.

7 2. If an individual who undergoes a test under par. (b) tests positive for the use  
8 of a controlled substance, the department shall require the individual to participate  
9 in substance abuse treatment to remain eligible to participate in Wisconsin Works.

10 The department shall refer the individual to a substance abuse treatment provider  
11 to determine treatment options, and shall require the individual to follow an  
12 employment plan that includes substance abuse treatment for not less than 60 days  
13 or until the substance abuse treatment provider releases the individual from  
14 treatment, whichever is longer.

15 (d) During the time that an individual is receiving substance abuse treatment  
16 under par. (c), the department shall require the individual to undergo random testing  
17 for the use of a controlled substance. The individual must cooperate with the testing  
18 and the results of the tests must be negative for the individual to remain eligible for  
19 Wisconsin Works. The individual will have satisfactorily completed the substance  
20 abuse testing requirements under this subsection if the individual completes  
21 treatment and tests negative for the use of a controlled substance at the conclusion  
22 of the treatment.

23 (e) The requirement under this subsection is in addition to the requirements  
24 under s. 49.148 (4).

25 SECTION 9306. Initial applicability; Children and Families.

Insert 3-24 ✓

1 (1) SUBSTANCE ABUSE SCREENING AND TESTING. The treatment of sections 49.145

2 (2) (km) and 49.147 (1r) of the statutes first applies to individuals who apply for

3 Wisconsin Works on the effective date of this subsection.

4 (END)

49.162, 49.163(2)  
(am) 7, and 49.36(3)(a) and  
(3m)

to participate in a program under section  
49.163 or 49.36 of the statutes, or who  
register for a program under section  
49.36 of the statutes, NO  
H

D - Note  
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INSERT A

Under current law, DCF administers the Transform Milwaukee Jobs program in Milwaukee County and the Transitional Jobs program outside of Milwaukee County. These programs provide work experience for unemployed individuals by providing a subsidy for wages and other employment expenses to employers that employ the individuals. Also under current law, DCF may contract with any county, tribal governing body, or Wisconsin Works agency to administer a work experience and job training program for noncustodial parents who have failed to pay child support due to unemployment or underemployment. Such individuals may be ordered by a court to register for a work experience and job training program.

This bill requires every individual who applies to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program, or who applies for or is ordered by a court to register for a work experience and job training program (collectively, a program),

(END OF INSERT A)

INSERT 3-24

SECTION 1. 49.162 of the statutes is created to read:

**49.162 Substance abuse screening and testing for certain work experience programs.** (1) In this section:

(a) "Controlled substance" has the meaning given in s. 961.01 (4).

(b) "Program" means the Transform Milwaukee Jobs program or the Transitional Jobs program under s. 49.163 or a work experience and job training program under s. 49.36.

(2) In order to participate in a program, an individual shall complete a controlled substance abuse screening questionnaire devised by the department. If, on the basis of answers to the questionnaire, the department determines that there is a reasonable likelihood that an individual who is otherwise eligible for a program is abusing a controlled substance, the department shall require the individual to undergo a test for the use of a controlled substance. If the individual refuses to submit to a test, the individual is not eligible to participate in a program.



1           (3) If an individual who undergoes a test under sub. (2) tests negative for the  
2 use of a controlled substance, the individual will have satisfactorily completed the  
3 substance abuse testing requirements under this section.

4           (4) (a) If an individual who undergoes a test under sub. (2) tests positive for the  
5 use of a controlled substance, the department shall require the individual to  
6 participate in substance abuse treatment to remain eligible to participate in a  
7 program.

8           (b) During the time that an individual is receiving substance abuse treatment  
9 under par. (a), the department shall require the individual to undergo random  
10 testing for the use of a controlled substance. The individual must cooperate with the  
11 testing and the results of the tests must be negative for the individual to remain  
12 eligible for a program.

13           (c) If an individual receiving treatment under par. (b) completes treatment and  
14 tests negative for the use of a controlled substance at the conclusion of the treatment,  
15 the individual will have satisfactorily completed the substance abuse testing  
16 requirements under this section.

17           (5) The department may promulgate rules that more specifically define the  
18 testing and treatment requirements under this section.

19           **SECTION 2.** 49.163 (2) (am) 7. of the statutes is created to read:

20           49.163 (2) (am) 7. Satisfy all of the requirements related to substance abuse  
21 screening, testing, and treatment under s. 49.162 that apply to the individual.

22           **SECTION 3.** 49.36 (3) (a) of the statutes is amended to read:



1           49.36 (3) (a) Except as provided in par. (f) and subject to sub. (3m), a person  
2           ordered to register under s. 767.55 (2) (am) shall participate in a work experience  
3           program if services are available.

History: 1987 a. 413; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2135 to 2142; 1995 a. 289; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2005 a. 25; 2005 a. 443 s. 265; 2007 a. 20; 2013 a. 20.

4           **SECTION 4.** 49.36 (3m) of the statutes is created to read:

5           49.36 (3m) A person is not eligible to participate in a program under this  
6           section unless the person satisfies all of the requirements related to substance abuse  
7           screening, testing, and treatment under s. 49.162 that apply to the individual.

(END OF INSERT 3-24)

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

LRB-0350/P2dn

PJK:.....

date

Jld

Katie:

This draft now applies only to individuals seeking to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program and noncustodial parents seeking to participate in, or who have been ordered to register for, a work experience and job training program under s. 49.36. Section 49.159 (1) also applies to noncustodial parents. I'm mentioning this in case this is the program you intended instead of the program under s. 49.36, or in case you want to add the requirements to this noncustodial parent program, too.

Pamela J. Kahler  
Senior Legislative Attorney  
(608) 266-2682  
pam.kahler@legis.wisconsin.gov

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

LRB-0350/P2dn  
PJK:jld:rs

December 9, 2014

Katie:

This draft now applies only to individuals seeking to participate in the Transform Milwaukee Jobs program or the Transitional Jobs program and noncustodial parents seeking to participate in, or who have been ordered to register for, a work experience and job training program under s. 49.36. Section 49.159 (1) also applies to noncustodial parents. I'm mentioning this in case this is the program you intended instead of the program under s. 49.36, or in case you want to add the requirements to this noncustodial parent program, too.

Pamela J. Kahler  
Senior Legislative Attorney  
(608) 266-2682  
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## Kahler, Pam

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**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Tuesday, January 06, 2015 2:28 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

Ok great, I touched base with my boss quickly...think we want to make it the department or a contracted agency etc to allow them to have the contracted agency do the testing as part of the contract to administer the program. I hadn't thought about this before, but I think it was raised by the 2md issue

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**From:** Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]  
**Sent:** Tuesday, January 06, 2015 2:20 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

I caught it!

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**From:** Major, Katrina L - DOA [mailto:Katrina.Major@wisconsin.gov]  
**Sent:** Tuesday, January 06, 2015 2:14 PM  
**To:** Kahler, Pam  
**Subject:** RE: 0350

Sounds good. It's good with me if you want to hang on to it until we get confirmation...there are also a couple parts of it that I want to discuss with my boss, so then you can avoid sending it through all the channels if any revisions come from that. Thanks for all your help with this!

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**From:** Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]  
**Sent:** Tuesday, January 06, 2015 2:06 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

Sounds good. The redraft should be out to you soon. Obviously, we can always make other changes if necessary.

---

**From:** Major, Katrina L - DOA [mailto:Katrina.Major@wisconsin.gov]  
**Sent:** Tuesday, January 06, 2015 2:04 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

We are thinking 2md is okay as is because DCF currently contracts out and provides an amount to the contracted agency, some of which is used for admin by the contracted agency. We don't think this would be different than the current admin use by those contracted agencies. DCF is checking on this to confirm w a few others and their legal counsel...

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**From:** Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]  
**Sent:** Tuesday, January 06, 2015 1:30 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

Could (md) be changed to “for *providing* aids to individuals and organizations”? That could include the process of getting the aids to the individuals (administration).

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Tuesday, January 06, 2015 1:02 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

I think they will need to be able to fund out of 2mc and/or 2md because those are the main fund sources for the TANF program. The included programs that would be funded out of 2mc and/or 2md would be those that are funded through the TANF block grant, so does that mean drug testing for those programs would be ok under current language?

---

**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Tuesday, January 06, 2015 12:42 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

For the appropriations I listed in the previous email, I was thinking that administration or operations would cover the drug testing and that, in (me) and (s), “for any of the purposes under s. 49.175 (1)” would cover it.

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Tuesday, January 06, 2015 12:27 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

Hi Pam, I talked to DCF about this now...what do you think about changing the definition of state administration to include drug testing/treatment costs, and then any of the listed appropriations that have the ability to spend on state administration would be able to fund the drug costs?

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**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Tuesday, January 06, 2015 8:55 AM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

That’s funny – I wrote in a D-note that I thought the language of (2) (a), (dz), (kx), (me), and (s) was broad enough. I think (md) may be broad enough, but I don’t know if (mc) is accurate. Are the affected “programs” block grant programs?

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Monday, January 05, 2015 5:21 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

I don’t think so...I think it would likely be funded by 2 mc and 2 md and they are pretty broad. Do you think that they aren’t broad enough? Thanks

---

**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Monday, January 05, 2015 10:59 AM

**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

I didn't mean a new appropriation, just adding the language to an existing one.

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Monday, January 05, 2015 10:54 AM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: 0350

Hi Pam,

No new appropriations for drug testing costs. Could you just make the 1g language broad enough that DCF would be able to pay treatment costs out of there please....I think most of it will be paid through DHS.

Thanks! k

---

**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Monday, January 05, 2015 10:42 AM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0350

Hi, Katie:

I have two questions. Do we also need to add drug testing costs to any of the appropriations listed in s. 49.175 (1) (intro.)? Should those costs include treatment costs? Thanks!

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**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Tuesday, December 23, 2014 3:08 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0350

Hi Pam, please do expand this draft to include the Children First program (you had asked about this in your note). Also, can you please remove the line that says DCF may promulgate rules and the "devised by the department" in line 9. Also, in 49.175 1 g, can you please add a reference to drug testing costs. Thanks! Katie