

2015 DRAFTING REQUEST

Bill

Received: 1/27/2015 Received By: tdodge
Wanted: As time permits Same as LRB:
For: Legislative Reference Bureau By/Representing: Tami
May Contact: Drafter: tdodge
Subject: Medical Assistance Addl. Drafters:
Extra Copies:

Submit via email: NO
Requester's email:
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Compile of -0972, -1035, -1130, -1255

Instructions:

See attached

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>
/?	chanaman 1/27/2015			_____			
/P1	tdodge 1/29/2015	jdyer 1/30/2015	jmurphy 1/30/2015	_____	sbasford 1/29/2015		
/P2				_____	sbasford 1/30/2015		

FE Sent For:

<END>

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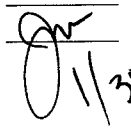
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/?	chanaman 1/27/2015	P2 1/30 jcd					
/P1	tdodge 1/28/2015	jdye 1/29/2015	jmurphy 1/29/2015		sbasford 1/29/2015		

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/?	chanaman 1/27/2015	P1 1/29 jld	Jan 1/29	_____ SB			
/P1	tdodge			Jan * SB 1/29			

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Pre Topic:

No specific pre topic given

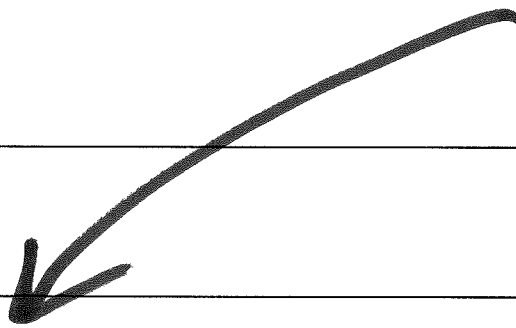
Topic:

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Instructions:

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Compile Drafts



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/?	chanaman 1/27/2015			_____			
/P1	tdodge			_____			

FE Sent For:

<END>

Barman, Mike

From: Hanaman, Cathlene
Sent: Wednesday, January 28, 2015 8:54 AM
To: Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: -1461

Will be a compile consisting of -0972, -1035, -1130, -1255

Four budget drafts going into one budget draft.

No rush of course as Tami is just compiling now.

Compile
Appendix
Needed

Done
MB



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1461/P1

Insert D-note

TJD → jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY
please

don't gen

1

AN ACT ...; relating to: ~~the~~ the budget

Analysis by the Legislative Reference Bureau

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

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*-1130/P4.1*SECTION 1. 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af), (aq), (ar), and (au), 20.435 ~~(7)~~ (4) (a) and ~~(5)~~ (da), and 20.437 (2) (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,

SECTION 1

1 city, village, town, or school district. Appropriations of receipts and of a sum
 2 sufficient shall for the purposes of this section be regarded as equivalent to the
 3 amounts expended under such appropriations in the prior fiscal year which ended
 4 June 30. All functions of said state agencies shall be continued in an efficient
 5 manner, but because of the uncertainties of the existing situation no public funds
 6 should be expended or obligations incurred unless there shall be adequate revenues
 7 to meet the expenditures therefor. For such reason the committee may make
 8 reductions of such appropriations as in its judgment will secure sound financial
 9 operations of the administration for said state agencies and at the same time
 10 interfere least with their services and activities.

^ as affected by 2015 Wisconsin Act ... (this act) ^

11 *-0972/P5.1*SECTION(2) 13.94 (4) (a) 1. of the statutes is amended to read:

Autoref Z

12 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
 13 credentialing board, commission, independent agency, council or office in the
 14 executive branch of state government; all bodies created by the legislature in the
 15 legislative or judicial branch of state government; any public body corporate and
 16 politic created by the legislature including specifically the Fox River Navigational
 17 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
 18 Aerospace Authority, the Wisconsin Economic Development Corporation, a
 19 professional baseball park district, a local professional football stadium district, and
 20 a local cultural arts district and a long-term care district under s. 46.2895; every
 21 Wisconsin works agency under subch. III of ch. 49; every provider of medical
 22 assistance under subch. IV of ch. 49; technical college district boards; every county
 23 department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or
 24 unincorporated cooperative association to which moneys are specifically
 25 appropriated by state law; and every corporation, institution, association or other

✓
 Insert
 2-25

the University of Wisconsin System Authority; ^

Forward Wisconsin Development Authority

1 organization which receives more than 50% of its annual budget from appropriations
2 made by state law, including subgrantee or subcontractor recipients of such funds.

3 ***-0972/P5.2*SECTION 3.** 13.94 (4) (b) of the statutes is amended to read:

4 13.94 (4) (b) In performing audits of ~~long-term care districts under s. 46.2895,~~
5 Wisconsin works agencies under subch. III of ch. 49, providers of medical assistance
6 under subch. IV of ch. 49, corporations, institutions, associations, or other
7 organizations, and their subgrantees or subcontractors, the legislative audit bureau
8 shall audit only the records and operations of such providers and organizations
9 which pertain to the receipt, disbursement or other handling of appropriations made
10 by state law.

11 ***-0972/P5.3*SECTION 4.** 17.15 (5) of the statutes is repealed.

12 ***-0972/P5.4*SECTION 5.** 17.27 (3m) of the statutes is repealed.

13 ***-0972/P5.5*SECTION 6.** 19.82 (1) of the statutes is amended to read:

14 19.82 (1) “Governmental body” means a state or local agency, board,
15 commission, committee, council, department or public body corporate and politic
16 created by constitution, statute, ordinance, rule or order; a governmental or
17 quasi-governmental corporation except for the Bradley center sports and
18 entertainment corporation; a local exposition district under subch. II of ch. 229; ~~a~~
19 ~~long-term care district under s. 46.2895;~~ or a formally constituted subunit of any of
20 the foregoing, but excludes any such body or committee or subunit of such body which
21 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
22 or V of ch. 111.

23 ***-0972/P5.6*SECTION 7.** 20.145 (1) (g) (intro.) of the statutes is amended to
24 read:

1 20.145 (1) (g) *General program operations.* (intro.) The amounts in the
2 schedule for general program operations, including organizational support services
3 and oversight of care management organizations, ~~and for transferring to the~~
4 ~~appropriation account under s. 20.435 (4) (kv) the amount allocated by the~~
5 ~~commissioner of insurance.~~ Notwithstanding s. 20.001 (3) (a), at the end of each
6 fiscal year, the unencumbered balance in this appropriation account that exceeds 10
7 percent of that fiscal year's expenditure under this appropriation shall lapse to the
8 general fund. All of the following shall be credited to this appropriation account:

9 ***-0972/P5.7*SECTION 8.** 20.145 (1) (g) 3. of the statutes is repealed.

10 ***-1130/P4.2*SECTION 9.** 20.435 (4) (title) of the statutes is repealed and
11 recreated to read:

12 20.435 (4) (title) MEDICAID SERVICES.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

13 ***-1130/P4.3*SECTION 10.** 20.435 (4) (a) of the statutes is amended to read:

14 20.435 (4) (a) *General program operations.* The amounts in the schedule for
15 general program operations, including health care financing regulation,
16 administration, field services, operation of the council on physical disabilities under
17 s. 46.29, and medical assistance eligibility determinations under s. 49.45 (2) (a) 3.

18 ***-0972/P5.8*SECTION 11.** 20.435 (4) (b) of the statutes is amended to read:

19 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
20 in the schedule to provide a portion of the state share of Medical Assistance program
21 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
22 health care program under s. 49.665, to provide a portion of the Medical Assistance
23 program benefits administered under subch. IV of ch. 49 that are not also provided

or other entities ✓

1 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
 2 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
 3 services provided by resource centers under s. 46.283, for services under the family
 4 care benefit program under s. 46.284 (5), for assisting victims of diseases, as provided
 5 in ss. 49.68, 49.683, and 49.685, for distributing grants under s. 146.64, and for
 6 reduction of any operating deficits as specified in 2005 Wisconsin Act 15, section 3.
 7 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
 8 account to the appropriation account under sub. (5) (kc) funds in the amount of and
 9 for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002
 10 (1), the department may credit or deposit into this appropriation account and may
 11 transfer between fiscal years funds that it transfers from the appropriation account
 12 under sub. (5) (kc) for the purposes specified in s. 46.485 (3r). Notwithstanding s.
 13 20.002 (1), the department may transfer from this appropriation account to the
 14 appropriation account under ^{Strike} sub. (7) (bd) ^{par.} funds in the amount and for the purposes
 15 specified in s. 49.45 (6v).

*-1035/P3.1*SECTION 12. 20.435 (4) (b) of the statutes is amended to read:

17 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
 18 in the schedule to provide a portion of the state share of Medical Assistance program
 19 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
 20 health care program under s. 49.665, to provide a portion of the Medical Assistance
 21 program benefits administered under subch. IV of ch. 49 that are not also provided
 22 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
 23 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
 24 services provided by resource centers or other entities under s. 46.283, for services
 25 under the family care benefit under s. 46.284 (5), for assisting victims of diseases, as

1 provided in ss. 49.68, 49.683, and 49.685, for distributing grants under s. 146.64, and
2 for reduction of any operating deficits as specified in 2005 Wisconsin Act 15, section
3 3. Notwithstanding s. 20.002 (1), the department may transfer from this
4 appropriation account to the appropriation account under sub. (5) (kc) funds in the
5 amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
6 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
7 account and may transfer between fiscal years funds that it transfers from the
8 appropriation account under sub. (5) (kc) for the purposes specified in s. 46.485 (3r).
9 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
10 account to the appropriation account under sub. (7) (bd) funds in the amount and for
11 the purposes specified in s. 49.45 (6v).

12 *~~1130/P4.4~~SECTION 13. 20.435 (4) (b) of the statutes is amended to read:

13 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
14 in the schedule to provide a portion of the state share of Medical Assistance program
15 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
16 health care program under s. 49.665, to provide a portion of the Medical Assistance
17 program benefits administered under subch. IV of ch. 49 that are not also provided
18 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
19 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
20 services provided by resource centers under s. 46.283, for services under the family
21 care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss.
22 49.68, 49.683, and 49.685, for distributing grants under s. 146.64, and for reduction
23 of any operating deficits as specified in 2005 Wisconsin Act 15, section 3.
24 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
25 account to the appropriation account under sub. (5) (kc) funds in the amount of and

1 for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002
 2 (1), the department may credit or deposit into this appropriation account and may
 3 transfer between fiscal years funds that it transfers from the appropriation account
 4 under sub. (5) (kc) for the purposes specified in s. 46.485 (3r). Notwithstanding s.
 5 20.002 (1), the department may transfer from this appropriation account to the
 6 appropriation account under sub. (7) par. (bd) funds in the amount and for the
 7 purposes specified in s. 49.45 (6v).

as affected by 2015 Wisconsin Act... (this act) ^

8 *AutoRef A* *-1255/P2.1*SECTION 14. 20.435 (4) (b) of the statutes is amended to read:

9 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
 10 in the schedule to provide a portion of the state share of Medical Assistance program
 11 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
 12 health care program under s. 49.665, to provide a portion of the Medical Assistance
 13 program benefits administered under subch. IV of ch. 49 that are not also provided
 14 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
 15 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
 16 services provided by resource centers *or other entities* under s. 46.283, for services under the family
 17 care *Program* ~~benefit~~ under s. 46.284 (5), for assisting victims of diseases, as provided in ss.
 18 49.68, 49.683, and 49.685, for distributing grants under s. 146.64, and for reduction
 19 of any operating deficits as specified in 2005 Wisconsin Act 15, section 3.
 20 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
 21 account to the appropriation account under sub. (5) (kc) funds in the amount of and
 22 for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002
 23 (1), the department may credit or deposit into this appropriation account and may
 24 transfer between fiscal years funds that it transfers from the appropriation account
 25 under sub. (5) (kc) for the purposes specified in s. 46.485 (3r). Notwithstanding s.

1 ~~20.002 (1), the department may transfer from this appropriation account to the~~
2 ~~appropriation account under sub. (7) (bd) funds in the amount and for the purposes~~
3 ~~specified in s. 49.45 (6v).~~ *para* ✓

4 ***-1035/P3.2*SECTION 15.** 20.435 (4) (bm) of the statutes is amended to read:

5 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
6 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
7 amounts in the schedule to provide a portion of the state share of administrative
8 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
9 Badger Care health care program under s. 49.665 and to provide the state share of
10 administrative costs for the food stamp program under s. 49.79, other than payments
11 under s. 49.78 (8), to develop and implement a registry of recipient immunizations,
12 to reimburse 3rd parties for their costs under s. 49.475, for costs associated with
13 outreach activities, for state administration of state supplemental grants to
14 supplemental security income recipients under s. 49.77, and for services of resource
15 centers or other entities under s. 46.283. No state positions may be funded in the
16 department of health services from this appropriation, except positions for the
17 performance of duties under a contract in effect before January 1, 1987, related to
18 the administration of the Medical Assistance program between the subunit of the
19 department primarily responsible for administering the Medical Assistance
20 program and another subunit of the department. Total administrative funding
21 authorized for the program under s. 49.665 may not exceed 10% of the amounts
22 budgeted under pars. (p) and (x).

23 ***-0972/P5.9*SECTION 16.** 20.435 (4) (g) of the statutes is amended to read:

1 20.435 (4) (g) *Family care benefit; cost sharing.* All moneys received from client
2 cost-sharing requirements under s. 46.286 (2) to be expended for the provision of
3 services under the family care benefit program under s. 46.284 (5).

4 *~~0972/P5.10~~*SECTION 17. 20.435 (4) (gm) of the statutes is amended to read:

5 20.435 (4) (gm) *Medical assistance; provider refunds and collections.* All
6 moneys received from provider refunds, third party liability payments, drug rebates,
7 audit recoveries, and other collections related to expenditures made from pars. (b),
8 (jz), and (w), except for those moneys deposited in the appropriation accounts under
9 par. (im) or (in) regardless of the fiscal year in which the expenditure from par. (b),
10 (jz), or (w) is made, to provide a portion of the state share of Medical Assistance
11 program benefits administered under subch. IV of ch. 49; to provide a portion of the
12 Badger Care health care program under s. 49.665; to provide a portion of the Medical
13 Assistance program benefits administered under subch. IV of ch. 49 that are not also
14 provided under par. (o); to fund the pilot project under s. 46.27 (9) and (10); to fund
15 services provided by resource centers ^{or other entities} under s. 46.283; to fund services under the
16 family care benefit program under s. 46.284 (5); and to assist victims of diseases, as
17 provided in ss. 49.68, 49.683, and 49.685.

18 *~~1035/P3.3~~*SECTION 18. 20.435 (4) (gm) of the statutes is amended to read:

19 20.435 (4) (gm) *Medical assistance; provider refunds and collections.* All
20 moneys received from provider refunds, third party liability payments, drug rebates,
21 audit recoveries, and other collections related to expenditures made from pars. (b),
22 (jz), and (w), except for those moneys deposited in the appropriation accounts under
23 par. (im) or (in) regardless of the fiscal year in which the expenditure from par. (b),
24 (jz), or (w) is made, to provide a portion of the state share of Medical Assistance
25 program benefits administered under subch. IV of ch. 49; to provide a portion of the

1 Badger Care health care program under s. 49.665; to provide a portion of the Medical
 2 Assistance program benefits administered under subch. IV of ch. 49 that are not also
 3 provided under par. (o); to fund the pilot project under s. 46.27 (9) and (10); to fund
 4 services provided by resource centers or other entities under s. 46.283; to fund
 5 services under the family care benefit under s. 46.284 (5); and to assist victims of
 6 diseases, as provided in ss. 49.68, 49.683, and 49.685.

7 ***-1130/P4.5*SECTION 19.** 20.435 (4) (h) of the statutes is repealed and
 8 recreated to read: ^{as defined in s. (4m) ✓}

9 20.435 (4) (h) *County contributions.* All moneys received from counties as
 10 contributions to the family care program ^{as} under ss. 46.2805 to 46.2895, the program
 11 of all-inclusive care for the elderly, ^{as} defined in s. 46.2805 (1) (a), ^{(9m) ✓} and the Family Care
 12 Partnership program described under s. 46.2805 (1) (b), ^{(4k) ✓} and from counties under ss.
 13 46.99 (3) and (3m) and 46.995; to fund services under the family care program under
 14 s. 46.284 (5) and services under the program of all-inclusive care for the elderly and
 15 the Family Care Partnership program and for an entity to administer and to pay for
 16 services provided under the birth to 3 waiver program under s. 46.99 and the
 17 disabled children's long-term support program.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 ***-1130/P4.6*SECTION 20.** 20.435 (4) (i) of the statutes is amended to read:

19 20.435 (4) (i) *Gifts, grants, and payments; health care financing.* All moneys
 20 received from gifts, grants, bequests and trust funds to provide ~~health care financing~~
 21 Medical Assistance, food stamp, and disability and elder services consistent with the
 22 purpose of the gift, grant, bequest or trust fund, and all moneys received from

1 payments from nongovernmental individuals and entities for departmental
2 administrative services, for the purposes for which those payments are received.

3 ***-1130/P4.7*SECTION 21.** 20.435 (4) (iL) of the statutes is amended to read:

4 20.435 (4) (iL) *Medical assistance provider assessments; health services*
5 *regulation.* All moneys received from assessments charged under s. 49.45 (2) (b) 9.
6 and all moneys received under s. 150.13, for performance by the department of audits
7 and investigations under s. 49.45 (3) (g) and for the purposes specified in ch. 150.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 ***-1130/P4.8*SECTION 22.** 20.435 (4) (im) of the statutes is amended to read:

9 20.435 (4) (im) *Medical assistance; correct payment recovery; collections;*
10 *community services; other recoveries.* All moneys received from the recovery of
11 correct medical assistance payments under ss. 49.496 and 49.849, all moneys
12 received as collections and other recoveries from providers, drug manufacturers, and
13 other 3rd parties under medical assistance performance-based contracts, all moneys
14 received from the recovery of costs of care under ss. 46.27 (7g) and 49.849 for
15 enrollees who are ineligible for Medical Assistance, all moneys not appropriated
16 under par. (in), and all moneys credited to this appropriation account under s. 49.89
17 (7) (f), for payments to counties and tribal governing bodies under s. 49.496 (4) (a),
18 for payment of claims under s. 49.849 (5), for payments to the federal government for
19 its share of medical assistance benefits recovered, for the state share of medical
20 assistance benefits provided under subch. IV of ch. 49, for payments to care
21 management organizations for provision of the family care benefit under s. 46.284
22 (5), for payments for long-term community support services funded under s. 46.27

1 (7) as provided in s. 46.27 (7g) (e) and 49.849 (6) (b), for administration of the waiver
2 program under s. 46.99, and for costs related to collections and other recoveries.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 ***-0972/P5.11*SECTION 23.** 20.435 (4) (jt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

4 ***-0972/P5.12*SECTION 24.** 20.435 (4) (kv) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date.

5 ***-1130/P4.9*SECTION 25.** 20.435 (4) (o) of the statutes is amended to read:

6 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
7 meeting costs of Medical Assistance administered under ss. 46.284 (5) and 49.665
8 and subch. IV of ch. 49, to be used for those purposes, for transfer to the Medical
9 Assistance trust fund, for those purposes, and for transfer to the appropriation
10 account under sub. (5) (kx) for the purposes specified under sub. (5) (kx), ~~and to~~
11 ~~transfer to the appropriation account under s. 20.435 (7) (im) \$19,100 in fiscal year~~
12 ~~2009–10 and \$20,900 in fiscal year 2010–11.~~

13 ***-1035/P3.4*SECTION 26.** 20.435 (4) (pa) of the statutes is amended to read:

14 20.435 (4) (pa) *Federal aid; Medical Assistance and food stamp contracts*
15 *administration.* All federal moneys received for the federal share of the cost of
16 contracting for payment and services administration and reporting, other than
17 moneys received under pars. (nn) and (np), to reimburse 3rd parties for their costs
18 under s. 49.475, for administrative contract costs for the food stamp program under
19 s. 49.79, and for services of resource centers or other entities under s. 46.283.

20 ***-1130/P4.10*SECTION 27.** 20.435 (5) (da) of the statutes is amended to read:

1 20.435 (5) (da) *Reimbursements to local units of government.* A sum sufficient
2 for the cost of care as provided in s. 51.22 (3) for persons who have a developmental
3 disability or who require mental health or alcoholism or other drug abuse treatment.

4 ***-1130/P4.11*SECTION 28.** 20.435 (5) (gg) of the statutes is amended to read:

5 20.435 (5) (gg) *Collection remittances to local units of government.* All moneys
6 received under ss. 46.03 (18) and 46.10, less moneys credited to sub. (7)(ge) and (h)
7 (4)(hp), for the purposes of remitting departmental collections under s. 46.03 (18) (g)
8 or 46.10 (8m) (a) 3. and 4.

9 ***-1130/P4.12*SECTION 29.** 20.435 (7) (title) of the statutes is repealed and
10 recreated to read:

11 20.435 (7) (title) DISABILITY AND ELDER SERVICES.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 ***-1130/P4.13*SECTION 30.** 20.435 (7) (a) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

to fund activities in support of resource center operations,

13 ***-0972/P5.13*SECTION 31.** 20.435 (7) (b) of the statutes is amended to read:

14 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
15 amounts in the schedule for human services, under s. 46.40, to fund services provided
16 by resource centers ^{or other entities} under s. 46.283 (5), for services under the family care benefit
17 program under s. 46.284 (5), for Medical Assistance payment adjustments under s.
18 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance
19 payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45
20 (53) for services described in s. 49.45 (53) that are provided before January 1, 2012.
21 Social services disbursements under s. 46.03 (20) (b) may be made from this
22 appropriation. Refunds received relating to payments made under s. 46.03 (20) (b)

1 for the provision of services for which moneys are appropriated under this paragraph
2 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and
3 20.002 (1), the department of health services may transfer funds between fiscal years
4 under this paragraph. The department shall deposit into this appropriation funds
5 it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments
6 including those resulting from audits of services under s. 46.26, 1993 stats., or s.
7 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds
8 recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s.
9 46.40 and not spent or encumbered by December 31 of each year shall lapse to the
10 general fund on the succeeding January 1 unless carried forward to the next calendar
11 year by the joint committee on finance.

12 ***-1035/P3.5*SECTION 32.** 20.435 (7) (b) of the statutes is amended to read:

13 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
14 amounts in the schedule for human services under s. 46.40, to fund services provided
15 by resource centers or other entities under s. 46.283 (5), for services under the family
16 care benefit under s. 46.284 (5), for Medical Assistance payment adjustments under
17 s. 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance
18 payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45
19 (53) for services described in s. 49.45 (53) that are provided before January 1, 2012.
20 Social services disbursements under s. 46.03 (20) (b) may be made from this
21 appropriation. Refunds received relating to payments made under s. 46.03 (20) (b)
22 for the provision of services for which moneys are appropriated under this paragraph
23 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and
24 20.002 (1), the department of health services may transfer funds between fiscal years
25 under this paragraph. The department shall deposit into this appropriation funds

1 it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments
2 including those resulting from audits of services under s. 46.26, 1993 stats., or s.
3 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds
4 recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s.
5 46.40 and not spent or encumbered by December 31 of each year shall lapse to the
6 general fund on the succeeding January 1 unless carried forward to the next calendar
7 year by the joint committee on finance.

8 ***-1130/P4.14*SECTION 33.** 20.435 (7) (b) of the statutes is amended to read:

9 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
10 amounts in the schedule for human services under s. 46.40, to fund services provided
11 by resource centers under s. 46.283 (5), to fund activities in support of resource center
12 operations, for services under the family care benefit under s. 46.284 (5), for Medical
13 Assistance payment adjustments under s. 49.45 (52) (a) for services described in s.
14 49.45 (52) (a) 1., for Medical Assistance payments under s. 49.45 (6tw), and for
15 Medical Assistance payments under s. 49.45 (53) for services described in s. 49.45
16 (53) that are provided before January 1, 2012. Social services disbursements under
17 s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to
18 payments made under s. 46.03 (20) (b) for the provision of services for which moneys
19 are appropriated under this paragraph shall be returned to this appropriation.
20 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health services
21 may transfer funds between fiscal years under this paragraph. The department
22 shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and
23 51.423 (15), from prior year audit adjustments including those resulting from audits
24 of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to
25 be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and

SECTION 33

1 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by
2 December 31 of each year shall lapse to the general fund on the succeeding January
3 1 unless carried forward to the next calendar year by the joint committee on finance.

4 *-1130/P4.15*SECTION 34. 20.435 (7) (bd) of the statutes is renumbered 20.435

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(4) (bd) and amended to read:

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 *-0972/P5.14*SECTION 35. 20.435 (7) (bd) of the statutes is amended to read:

(8) (4)

7 20.435 (7) (bd) Long-term care programs. The amounts in the schedule for
8 assessments, case planning, services, administration and risk reserve escrow
9 accounts under s. 46.27, for pilot projects under s. 46.271 (1), to fund services
10 provided by resource centers under s. 46.283 (5), for services under the family care
11 benefit program under s. 46.284 (5), for services and supports under s. 46.2803 (2),
12 and for the payment of premiums under s. 49.472 (5). If the department transfers
13 funds to this appropriation from the appropriation account under sub. (4) (b), the
14 amounts in the schedule for the fiscal year for which the transfer is made are
15 increased by the amount of the transfer for the purposes specified in s. 49.45 (6v).
16 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this
17 paragraph transfer moneys between fiscal years. Except for moneys authorized for
18 transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under
19 this appropriation that are allocated under s. 46.27 and are not spent or encumbered
20 by counties or by the department by December 31 of each year shall lapse to the
21 general fund on the succeeding January 1 unless transferred to the next calendar
22 year by the joint committee on finance.

11000

23 *-1035/P3.6*SECTION 36. 20.435 (7) (bd) of the statutes is amended to read:

1 20.435 (7) (bd) *Long-term care programs.* The amounts in the schedule for
 2 assessments, case planning, services, administration and risk reserve escrow
 3 accounts under s. 46.27, for pilot projects under s. 46.271 (1), to fund services
 4 provided by resource centers or other entities under s. 46.283 (5), for services under
 5 the family care benefit under s. 46.284 (5), for services and supports under s. 46.2803
 6 (2), and for the payment of premiums under s. 49.472 (5). If the department transfers
 7 funds to this appropriation from the appropriation account under sub. (4) (b), the
 8 amounts in the schedule for the fiscal year for which the transfer is made are
 9 increased by the amount of the transfer for the purposes specified in s. 49.45 (6v).
 10 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this
 11 paragraph transfer moneys between fiscal years. Except for moneys authorized for
 12 transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under
 13 this appropriation that are allocated under s. 46.27 and are not spent or encumbered
 14 by counties or by the department by December 31 of each year shall lapse to the
 15 general fund on the succeeding January 1 unless transferred to the next calendar
 16 year by the joint committee on finance.

17 *-1255/P2.2*SECTION 37. 20.435 (7) (bd) of the statutes is amended to read:

18 20.435 (7) (bd) *Long-term care programs.* The amounts in the schedule for
 19 assessments, case planning, services, administration and risk reserve escrow
 20 accounts under s. 46.27, for pilot projects under s. 46.271 (1), to fund services
 21 provided by resource centers or other entities under s. 46.283 (5), for services under the family care
 22 benefit under s. 46.284 (5), for services and supports under s. 46.2803 (2), for services
 23 provided under the children's community options program under s. 46.272, and for
 24 the payment of premiums under s. 49.472 (5). If the department transfers funds to
 25 ~~this appropriation from the appropriation account under sub. (4) (b), the amounts in~~

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(4) as affected by 2015 Wisconsin Act (this act)

(B) (4)

Autoref B

or other entities ← plain

benefit ← plain



1 the schedule for the fiscal year for which the transfer is made are increased by the
2 amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding
3 ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer
4 moneys between fiscal years. Except for moneys authorized for transfer under this
5 appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation
6 that are allocated under s. 46.27 and are not spent or encumbered by counties or by
7 the department by December 31 of each year shall lapse to the general fund on the
8 succeeding January 1 unless transferred to the next calendar year by the joint
9 committee on finance.

10 ***-1130/P4.16*SECTION 38.** 20.435 (7) (da) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 ***-0972/P5.15*SECTION 39.** 20.435 (7) (g) of the statutes is amended to read:

12 20.435 (7) (g) *Long-term care; county contributions.* All moneys received from
13 counties as contributions to the family care program under s. 46.2805 to 46.2895, as
14 defined in s. 46.2805 (4m), the program of all-inclusive care for the elderly or Pace
15 program described under defined in s. 46.2805 (1) (a) (9m), and the Wisconsin Family
16 Care Partnership Program described under s. 46.2805 (1) (b) (4k), to fund services
17 under the family care benefit program under s. 46.284 (5) and services under the
18 Pace and Wisconsin Family Care Partnership programs.

19 ***-1130/P4.17*SECTION 40.** 20.435 (7) (g) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 ***-1130/P4.18*SECTION 41.** 20.435 (7) (gc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 ***-1130/P4.19*SECTION 42.** 20.435 (7) (gm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 *~~1130/P4.20~~**SECTION 43.** 20.435 (7) (h) of the statutes is renumbered 20.435
2 (4) (hp) and amended to read:

3 20.435 (4) (hp) *Disabled children's long-term support waivers.* All moneys
4 received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a
5 waiver under s. 46.27 (11), 46.275, or 46.278 or provided under the disabled children's
6 long-term support program, as defined in s. 46.011 (1g), ~~less the amounts~~
7 ~~appropriated under par. (g),~~ for distribution to counties according to a formula
8 developed by the department as a portion of the state share of payments for services
9 for children under the waiver under s. 46.278 or for services provided under the
10 disabled children's long-term support program.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 *~~1130/P4.21~~**SECTION 44.** 20.435 (7) (hc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 *~~1130/P4.22~~**SECTION 45.** 20.435 (7) (hs) of the statutes is renumbered 20.435
13 (4) (hs).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 *~~1130/P4.23~~**SECTION 46.** 20.435 (7) (i) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 *~~1130/P4.24~~**SECTION 47.** 20.435 (7) (im) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 *~~1130/P4.25~~**SECTION 48.** 20.435 (7) (jb) of the statutes is renumbered 20.435
17 (4) (jc) and amended to read:

1 20.435 (4) (jc) *Fees for administrative services*. All moneys received from fees
 2 charged for providing state mailings, special computer services, training programs,
 3 printed materials, and publications ~~relating to long-term care services~~, for the
 4 purpose of providing those state mailings, special computer services, training
 5 programs, printed materials, and publications.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: Please note that I could not move (7) (jb) to (4) (jb) as requested because there is an existing appropriation at (4) (jb).

6 *~~1130/P4.26~~*SECTION 49. 20.435 (7) (kx) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 *~~1130/P4.27~~*SECTION 50. 20.435 (7) (m) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 *~~1130/P4.28~~*SECTION 51. 20.435 (7) (mc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 *~~1130/P4.29~~*SECTION 52. 20.435 (7) (n) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 *~~0972/P5.16~~*SECTION ~~53~~. 20.927 (1m) of the statutes is amended to read: ... ^{as affected by 2015 Wisconsin Act} ~~(this act)~~ [^]
 11 Autoref W 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state

12 or of any county, city, village, or town ~~or long-term care district~~ under s. 46.2895 or
 13 of any subdivision or agency of this state, including an authority created in ch. ^{36 or} 233,
 14 or of any subdivision or agency of any county, city, village or town and no federal funds
 15 passing through the state treasury shall be authorized for or paid to a physician or
 16 surgeon or a hospital, clinic or other medical facility for the performance of an
 17 abortion.

18 *~~0972/P5.17~~*SECTION 54. 20.9275 (1) (b) of the statutes is amended to read:

Insert 20-18 ✓

1 20.9275 (1) (b) "Local governmental unit" means a city, village, town, or county
 2 ~~or long-term care district under s. 46.2895~~ or an agency or subdivision of a city,
 3 village, town, or county. *as affected by 2015 Wisconsin Act.... (this act)*

4 *Autoref*

-0972/P5.18 SECTION 55. 25.50 (1) (d) of the statutes is amended to read:

5 25.50 (1) (d) "Local government" means any county, town, village, city, power
 6 district, sewerage district, drainage district, town sanitary district, public inland
 7 lake protection and rehabilitation district, local professional baseball park district
 8 created under subch. III of ch. 229, ~~long-term care district under s. 46.2895~~, local
 9 professional football stadium district created under subch. IV of ch. 229, local
 10 cultural arts district created under subch. V of ch. 229, public library system, school
 11 district or technical college district in this state, any commission, committee, board
 12 or officer of any governmental subdivision of this state, any court of this state, other
 13 than the court of appeals or the supreme court, or any authority created under s.

14 114.61, 231.02, 233.02, or ~~234.02~~. *235.011* the University of Wisconsin
 System Authority; *plain*

Insert 2-15

15 **-1130/P4.30** SECTION 56. 25.77 (2) of the statutes is amended to read:

16 25.77 (2) All public funds that are related to payments under s. 49.45 and that
 17 are transferred or certified under 42 CFR 433.51 (b) and used as the nonfederal and
 18 federal share of Medical Assistance funding, except funds that are deposited into the
 19 appropriation accounts under s. 20.435 (4) ~~(h)~~, (kx), or (ky).

****NOTE: Since the purpose for and deposits into s. 20.435 (4) (h) are completely different than they were, I eliminated the cross-reference to it here. Please confirm that this meets your intent.

20 **-0972/P5.19** SECTION 57. 40.02 (28) of the statutes is amended to read:

21 40.02 (28) "Employer" means the state, including each state agency, any
 22 county, city, village, town, school district, other governmental unit or
 23 instrumentality of 2 or more units of government now existing or hereafter created

1 within the state, any federated public library system established under s. 43.19
 2 whose territory lies within a single county with a population of 500,000 or more, and
 3 a local exposition district created under subch. II of ch. 229, ~~and a long-term care~~
 4 ~~district created under s. 46.2895~~, except as provided under ss. 40.51 (7) and 40.61 (3).
 5 “Employer” does not include a local cultural arts district created under subch. V of
 6 ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

7 *~~0972/P5.20~~ SECTION 58. 40.02 (36) of the statutes is amended to read:

8 40.02 (36) “Governing body” means the legislature or the head of each state
 9 agency with respect to employees of that agency for the state, the common council
 10 in cities, the village board in villages, the town board in towns, the county board in
 11 counties, the school board in school districts, or the board, commission or other
 12 governing body having the final authority for any other unit of government, for any
 13 agency or instrumentality of 2 or more units of government, for any federated public
 14 library system established under s. 43.19 whose territory lies within a single county
 15 with a population of 500,000 or more, or for a local exposition district created under
 16 subch. II of ch. 229 ~~or for a long-term care district created under s. 46.2895~~, but does
 17 not include a local cultural arts district created under subch. V of ch. 229.

18 *~~0972/P5.21~~ SECTION ~~59~~. ^{as affected by 2015 Wisconsin Act (this act)} 46.21 (2m) (c) of the statutes is amended to read:

19 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
 20 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), and 253.07
 21 (3) (c), a subunit of a county department of human services or tribal agency acting
 22 under this subsection may exchange confidential information about a client, without
 23 the informed consent of the client, with any other subunit of the same county
 24 department of human services or tribal agency, with a resource center, or a care
 25 management organization, ~~or a long-term care district~~, with an elder-adult-at-risk

Plain

1 agency, an adult-at-risk agency, or any agency to which referral for investigation is
2 made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services
3 to the client under a purchase of services contract with the county department of
4 human services or tribal agency or with a resource center, ^{or other contracted entity under s. 46.283 (2)} or a care management
5 organization, ~~or a long-term care district~~, if necessary to enable an employee or
6 service provider to perform his or her duties, or to enable the county department of
7 human services or tribal agency to coordinate the delivery of services to the client.

8 An agency that releases information under this paragraph shall document that a
9 request for information was received and what information was provided.

10 ***-1035/P3.7*SECTION 60.** 46.21 (2m) (c) of the statutes is amended to read:

11 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
12 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), and 253.07
13 (3) (c), a subunit of a county department of human services or tribal agency acting
14 under this subsection may exchange confidential information about a client, without
15 the informed consent of the client, with any other subunit of the same county
16 department of human services or tribal agency, with a resource center or other
17 contracted entity under s. 46.283 (2), a care management organization, or a
18 long-term care district, with an elder-adult-at-risk agency, an adult-at-risk
19 agency, or any agency to which referral for investigation is made under s. 46.90 (5)
20 (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client under a
21 purchase of services contract with the county department of human services or tribal
22 agency or with a resource center or other contracted entity under s. 46.283 (2), a care
23 management organization, or a long-term care district, if necessary to enable an
24 employee or service provider to perform his or her duties, or to enable the county
25 department of human services or tribal agency to coordinate the delivery of services

plain

1 to the client. An agency that releases information under this paragraph shall
2 document that a request for information was received and what information was
3 provided.

4 ***-0972/P5.22*SECTION 61.** 46.215 (1) (r) of the statutes is amended to read:

5 46.215 (1) (r) If authorized under s. 46.283 (1) (a) 1., to apply to the department
6 of health services to operate a resource center under s. 46.283 and, if the department
7 contracts with the county under s. 46.283 (2), to operate the resource center.

8 ***-0972/P5.23*SECTION 62.** 46.215 (1) (s) of the statutes is amended to read:

9 46.215 (1) (s) If authorized under s. 46.284 (1) (a) 1., to apply to the department
10 of health services to operate a care management organization under s. 46.284 and,
11 if the department contracts with the county under s. 46.284 (2), to operate the care
12 management organization and, if appropriate, place funds in a risk reserve.

13 ***-0972/P5.24*SECTION 63.** 46.215 (1m) of the statutes is amended to read:

14 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
15 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
16 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
17 services or tribal agency acting under this section may exchange confidential
18 information about a client, without the informed consent of the client, with any other
19 subunit of the same county department of social services or tribal agency, with a
20 resource center, ^{or other contracted entity under s. 46.283(2) ← plain} or a care management organization, ~~or a long-term care district,~~
21 with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
22 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with
23 a person providing services to the client under a purchase of services contract with
24 the county department of social services or tribal agency or with a resource center,
25 ~~or a care management organization, or a long-term care district,~~ if necessary to

or other contracted entity under s. 46.283 (2) ← plain

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

6 *–1035/P3.8*SECTION 64. 46.215 (1m) of the statutes is amended to read:

7 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
8 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
9 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
10 services or tribal agency acting under this section may exchange confidential
11 information about a client, without the informed consent of the client, with any other
12 subunit of the same county department of social services or tribal agency, with a
13 resource center or other contracted entity under s. 46.283 (2), a care management
14 organization, or a long-term care district, with an elder-adult-at-risk agency, an
15 adult-at-risk agency, or any agency to which referral for investigation is made under
16 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
17 under a purchase of services contract with the county department of social services
18 or tribal agency or with a resource center or other contracted entity under s. 46.283
19 (2), a care management organization, or a long-term care district, if necessary to
20 enable an employee or service provider to perform his or her duties, or to enable the
21 county department of social services or tribal agency to coordinate the delivery of
22 services to the client. An agency that releases information under this subsection
23 shall document that a request for information was received and what information
24 was provided.

25 *–0972/P5.25*SECTION 65. 46.215 (1p) of the statutes is amended to read:

plain → or other contracted entity under s. 46.283(2)

1 resource center, ^{plain} or a care management organization, ~~or a long-term care district,~~
2 with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
3 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with
4 a person providing services to the client under a purchase of services contract with
5 the county department of social services or tribal agency or with a resource center, ^{or other contracted entity under s. 46.283(2)}
6 ~~or a care management organization, or a long-term care district,~~ if necessary to
7 enable an employee or service provider to perform his or her duties, or to enable the
8 county department of social services or tribal agency to coordinate the delivery of
9 services to the client. An agency that releases information under this paragraph
10 shall document that a request for information was received and what information
11 was provided.

*-1035/P3.9*SECTION 69. 46.22 (1) (dm) of the statutes is amended to read:

13 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
14 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
15 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
16 services or tribal agency acting under this subsection may exchange confidential
17 information about a client, without the informed consent of the client, with any other
18 subunit of the same county department of social services or tribal agency, with a
19 resource center or other contracted entity under s. 46.283 (2), a care management
20 organization, or a long-term care district, with an elder-adult-at-risk agency, an
21 adult-at-risk agency, or any agency to which referral for investigation is made under
22 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
23 under a purchase of services contract with the county department of social services
24 or tribal agency or with a resource center or other contracted entity under s. 46.283
25 (2), a care management organization, or a long-term care district, if necessary to

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

6 *-0972/P5.29*SECTION 70. 46.22 (1) (dp) of the statutes is amended to read:

7 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
8 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
9 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
10 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department
11 under this section may enter the content of any record kept or information received
12 by that county department into the statewide automated child welfare information
13 system established under s. 48.47 (7g). ^{^ as affected by 2015 Wisconsin Act}

14 *-0972/P5.30*SECTION 71. 46.23 (3) (e) of the statutes ^{is} amended to read:

15 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
16 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
17 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of
18 human services or tribal agency acting under this section may exchange confidential
19 information about a client, without the informed consent of the client, with any other
20 subunit of the same county department of human services or tribal agency, with a
21 resource center, ^{Auto Ref F} ^{or other contracted entity under s. 46.283(2) ← plain} or a care management organization, or a long-term care district,
22 with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
23 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with
24 a person providing services to the client under a purchase of services contract with
25 the county department of human services or tribal agency or with a resource center,

^{or other contracted entity under s. 46.283(2) ← plain}

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

7 ~~*-1035/P3.10*~~SECTION 72. 46.23 (3) (e) of the statutes is amended to read:

8 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
9 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
10 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of
11 human services or tribal agency acting under this section may exchange confidential
12 information about a client, without the informed consent of the client, with any other
13 subunit of the same county department of human services or tribal agency, with a
14 resource center or other contracted entity under s. 46.283 (2), a care management
15 organization, or a long-term care district, with an elder-adult-at-risk agency, an
16 adult-at-risk agency, or any agency to which referral for investigation is made under
17 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
18 under a purchase of services contract with the county department of human services
19 or tribal agency or with a resource center or other contracted entity under s. 46.283
20 (2), a care management organization, or a long-term care district, if necessary to
21 enable an employee or service provider to perform his or her duties, or to enable the
22 county department of human services or tribal agency to coordinate the delivery of
23 services to the client. An agency that releases information under this paragraph
24 shall document that a request for information was received and what information
25 was provided.

1 *~~0972/P5.31~~*SECTION 73. 46.23 (3) (ed) of the statutes is amended to read:

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

9 *~~1035/P3.11~~*SECTION 74. 46.27 (4) (am) of the statutes is repealed.

10 *~~1035/P3.12~~*SECTION 75. 46.27 (4) (c) (intro.) of the statutes is amended to
11 read:

12 46.27 (4) (c) (intro.) The planning committee shall develop, ~~or, if the governing~~
13 ~~board of a resource center has under s. 46.283 (6) (b) 10, assumed the duties of the~~
14 ~~planning committee, the governing board of the resource center shall recommend a~~
15 community options plan for participation in the program. The plan shall include:

16 *~~1035/P3.13~~*SECTION 76. 46.27 (4) (c) 5. of the statutes is amended to read:

17 46.27 (4) (c) 5. A description of the method to be used by the committee ~~or, if~~
18 ~~the governing board of a resource center has under s. 46.283 (6) (b) 10, assumed the~~
19 ~~duties of the planning committee, the governing board of the resource center to~~
20 monitor the implementation of the program.

21 *~~1130/P4.31~~*SECTION 77. 46.27 (7) (am) of the statutes is amended to read:

22 46.27 (7) (am) From the appropriation under s. 20.435 ~~(7)~~ (4) (bd), the
23 department shall allocate funds to each county or private nonprofit agency with
24 which the department contracts to pay assessment and case plan costs under sub.
25 (6) not otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall

1 reimburse multicounty consortia for the cost of assessing persons eligible for medical
2 assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a) as part of the administrative
3 services of medical assistance, payable under s. 49.45 (3) (a). Counties may use
4 unspent funds allocated under this paragraph to pay the cost of long-term
5 community support services and for a risk reserve under par. (fr).

6 ***-1130/P4.32*SECTION 78.** 46.27 (7) (b) of the statutes is amended to read:

7 46.27 (7) (b) From the appropriations under s. 20.435 (~~7~~) (4) (bd) and (im), the
8 department shall allocate funds to each county to pay the cost of providing long-term
9 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to
10 persons eligible for medical assistance under s. 49.46, 49.47, or 49.471 (4) (a) or to
11 persons whom the county department or aging unit administering the program finds
12 likely to become medically indigent within 6 months by spending excess income or
13 assets for medical or remedial care. The average per person reimbursement under
14 this paragraph may not exceed the state share of the average per person payment
15 rate the department expects under s. 49.45 (6m). The county department or aging
16 unit administering the program may spend funds received under this paragraph
17 only in accordance with the case plan and service contract created for each person
18 receiving long-term community support services. Counties may use unspent funds
19 allocated under this paragraph from the appropriation under s. 20.435 (~~7~~) (4) (bd) for
20 a risk reserve under par. (fr).

21 ***-1130/P4.33*SECTION 79.** 46.27 (7) (fm) of the statutes is amended to read:

22 46.27 (7) (fm) The department shall, at the request of a county, carry forward
23 up to 5% of the amount allocated under this subsection to the county for a calendar
24 year if up to 5% of the amount so allocated has not been spent or encumbered by the
25 county by December 31 of that year, for use by the county in the following calendar

1 year, except that the amount carried forward shall be reduced by the amount of funds
2 that the county has notified the department that the county wishes to place in a risk
3 reserve under par. (fr). The department may transfer funds within s. 20.435 ~~(7)~~ (4)
4 (bd) to accomplish this purpose. An allocation under this paragraph does not affect
5 a county's base allocation under this subsection and shall lapse to the general fund
6 unless expended within the calendar year to which the funds are carried forward.
7 A county may not expend funds carried forward under this paragraph for
8 administrative or staff costs, except administrative or staff costs that are associated
9 with implementation of the waiver under sub. (11) and approved by the department.

10 *~~0972/P5.32~~**SECTION 80.** 46.27 (7) (fr) 3. c. of the statutes is repealed.

11 *~~1130/P4.34~~**SECTION 81.** 46.27 (7) (g) (intro.) of the statutes is amended to
12 read:

13 46.27 ~~(7)~~ (g) (intro.) The department may carry forward to the next state fiscal
14 year funds allocated under this subsection and not encumbered by counties by
15 December 31 or carried forward under par. (fm). The department may transfer
16 moneys within s. 20.435 ~~(7)~~ (4) (bd) to accomplish this purpose. An allocation under
17 this paragraph shall not affect a county's base allocation for the program. The
18 department may allocate these transferred moneys during the next fiscal year to
19 counties for planning and implementation of resource centers under s. 46.283 or care
20 management organizations under s. 46.284 and for the improvement or expansion
21 of long-term community support services for clients whose cost of care significantly
22 exceeds the average cost of care provided under this section, including any of the
23 following:

24 *~~1130/P4.35~~**SECTION 82.** 46.27 (7g) (d) of the statutes is amended to read:

1 46.27 (7g) (d) The department may require the county department or aging
2 unit selected to administer the program in each county to gather and provide the
3 department with information needed to recover payment of long-term community
4 support services under this subsection. The department shall pay to the county
5 department or aging unit an amount equal to 5% of the recovery collected by the
6 department relating to a beneficiary for whom the county department or aging unit
7 made the last determination of eligibility for funding under sub. (7). A county
8 department or aging unit may use funds received under this paragraph only to pay
9 costs incurred under this paragraph and shall remit the remainder, if any, to the
10 department for deposit in the appropriation account under s. 20.435 (7) (4) (im). The
11 department may withhold payments under this paragraph for failure to comply with
12 the department's requirements under this paragraph. The department shall treat
13 payments made under this paragraph as costs of administration of the program.

14 *~~1130/P4.36~~*SECTION 83. 46.27 (7g) (e) of the statutes is amended to read:

15 46.27 (7g) (e) From the appropriation under s. 20.435 (7) (4) (im), the
16 department shall pay the amount of the payments under par. (d) and shall spend the
17 remainder of the funds recovered under this subsection for long-term community
18 support services funded under sub. (7) (b).

19 *~~1130/P4.37~~*SECTION 84. 46.27 (11) (c) 3. of the statutes is amended to read:

20 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a
21 private nonprofit agency or an aging unit with which the department contracts
22 provides under this subsection shall be made from the appropriations under s. 20.435
23 (4) (bd) and (o) and (7) (b) and (bd).

24 *~~1255/P2.3~~*SECTION 85. 46.27 (13) of the statutes is created to read:

1 **46.27 (13) PROGRAM TERMINATION.** Notwithstanding subs. (5), (6), (6g), (6u), (7),
2 (7m), (8), and (11), after the date the family care benefit, as defined in s. 46.2805 (4),
3 is available to eligible residents of a county, the department may discontinue the
4 program under this section in that county.

5 ***-1130/P4.38*SECTION 86.** 46.271 (1) (a) (intro.) of the statutes is amended to
6 read:

7 **46.271 (1) (a) (intro.)** From the appropriation under s. 20.435 (~~7~~) (4) (bd), the
8 department shall award \$100,000 in each fiscal year to applying county departments
9 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or to an aging unit under the conditions
10 specified in par. (c) to establish pilot projects for home and community-based
11 long-term support services. Funds awarded to the pilot projects shall be used to do
12 any of the following:

13 ***-1255/P2.4*SECTION 87.** 46.272 of the statutes is created to read:

14 **46.272 Children’s community options program. (1) DEFINITIONS.** In this
15 section:

16 (a) “Child” means a person under 22 years of age who is not receiving services
17 in or on a waiting list for an adult long-term care program.

18 (b) “Disability” means a severe physical, developmental, or emotional
19 impairment which is diagnosed medically, behaviorally, or psychologically, which is
20 characterized by the need for individually planned and coordinated care, treatment,
21 vocational rehabilitation, or other services and which has resulted or is likely to
22 result in substantial limitation on the ability to function in at least 2 of the following
23 areas, equivalent to nursing home or institution for mental disease level of care:

- 24 1. Self-care.
- 25 2. Receptive and expressive language.

1 3. Learning.

2 4. Mobility.

3 5. Self-direction.

4 (c) “Hospital” has the meaning provided in s. 50.33 (2).

5 (d) “Institutional setting” means a nursing home, as defined in s. 50.01 (3), a
6 state-operated long-term care facility, or any other residential facility that provides
7 long-term care to children outside of a home.

8 (e) “Residence” means the voluntary concurrence of physical presence with
9 intent to remain in a place of fixed habitation. Physical presence shall be prima facie
10 evidence of intent to remain.

11 (f) “State-operated long-term care facility” means a state center for the
12 developmentally disabled and a Wisconsin veterans home operated by the
13 department of veterans affairs under s. 45.50.

14 (g) “Voluntary” means according to an individual’s free choice, if competent, or
15 by choice of his or her parent or guardian, if the individual is adjudicated
16 incompetent or is a minor.

17 (2) DEPARTMENTAL DUTIES. The department shall do all of the following to
18 establish a children’s community options program:

19 (a) Review and approve or disapprove the selection of a county department to
20 administer the children’s community options program.

21 (b) In consultation with representatives of counties, hospitals, and other
22 institutional settings and with recipients of children’s community support services,
23 develop guidelines for implementing the program and criteria for reviewing
24 community options plans from counties participating in the program under this
25 section. The guidelines and criteria shall address cost-effectiveness, scope,

1 feasibility and impact on the quality and appropriateness of health services and
2 social services and shall provide counties with maximum flexibility to develop
3 programs that address local needs.

4 (c) Review and approve or disapprove the community options plan of each
5 county participating in the children's community options program.

6 (d) Require that a county, by use of a form provided by the department or other
7 appropriate procedure, ensure that persons receiving services under this section
8 meet the eligibility requirements for the children's community options program.

9 (e) Periodically monitor the implementation of the children's community
10 options program.

11 (f) Review and approve or disapprove the terms of risk reserve escrow accounts
12 created under sub. (13) (f) and approve or disapprove disbursements for
13 administrative or staff costs from the risk reserve escrow accounts.

14 (4) DUTIES OF PARTICIPATING COUNTY DEPARTMENTS. Each participating county
15 department shall do all of the following:

16 (a) Appoint members to an advisory committee or appoint an existing
17 committee in the service area as the children's community options advisory
18 committee to assist in developing the program plan and to monitor the program. The
19 committee shall include, but need not be limited to, the following members:

20 1. Parents of children with disabilities including, if possible, parents from
21 families that participate in the children's community options program. To the
22 maximum extent possible, the parents shall be representative of the various
23 disability, racial, and ethnic groups in the service area. The members specified under
24 this subdivision shall constitute a majority of the membership of the committee.

1 2. Persons from the service area representing the county department under s.
2 46.23, 51.42, or 51.437 and the county department under s. 46.215 or 46.22, school
3 districts, and local health departments, as defined in s. 250.01 (4). At least one of the
4 committee members selected under this subdivision shall be a person providing
5 community social services to children with disabilities who are eligible for the
6 program.

7 3. Persons in the service area who provide social or educational services to
8 children who have disabilities other than the providers specified in subd. 2.

9 (b) Cooperate with the committee appointed under par. (a) to prepare a
10 program plan. The program plan shall include all of the following:

11 1. A description of the proposed program.

12 2. The estimated number of families that will be assessed and served.

13 3. A list of specific groups, if any, that will be given priority for available
14 funding.

15 4. A description of the outreach procedures that will be used to ensure that the
16 program will be made available to children with physical, emotional, and mental
17 impairments.

18 5. The procedures that will be used to determine family needs.

19 6. A description of the methods that will be used for the development and
20 monitoring of service plans and for coordinating the provision of services and goods
21 to participating families.

22 7. A description of the methods that will be used to promote the creation of
23 informal support and advocacy systems for families.

24 8. A description of the method that will be used to monitor the children's
25 community options program.

1 (c) Submit the proposed program plan to the county board of supervisors in each
2 county in the service area for review. After approval by the county board of
3 supervisors in each county in which families are eligible to participate in the
4 program, the county department shall submit the proposed program plan to the
5 department.

6 (d) Administer the program or contract with a human service agency in the
7 service area to administer the program within the limits of state and federal funds
8 under subs. (13) and (14).

9 (e) In conjunction with the county department under s. 46.215 or 46.22, if any,
10 in the service area and with the administering agency, if it is not the county
11 department under s. 46.23, 51.42, or 51.437, coordinate the administration of the
12 program with the administration of other publicly funded programs that serve
13 children who have disabilities.

14 (f) Submit all information and reports required by the department.

15 **(5) POWERS AND DUTIES OF A PRIVATE NONPROFIT AGENCY.** A private nonprofit
16 agency with which the department contracts for service under sub. (14) (b) 3. shall
17 have the powers and duties under this section of a county department designated to
18 administer the program.

19 **(6) DUTIES OF ADMINISTERING AGENCIES.** Each administering agency shall:

20 (a) Cooperate in the development of the program plan under sub. (4) (b).

21 (b) Provide information about the program and other programs for children
22 who have disabilities to families in the service area.

23 (c) Implement the program in accordance with the program plan.

24 (d) Designate one of its employees as the coordinator for each participating
25 family.

1 (7) COUNTY DEPARTMENT DUTIES. The county department selected to administer
2 the children’s community options program shall:

3 (a) Organize assessment activities specified in par. (f) and sub. (8). The county
4 department shall utilize persons for each assessment who can determine the needs
5 of the child being assessed and who know the availability within the county of
6 services. The county department shall coordinate the involvement of
7 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
8 51.437, and health service providers in the assessment activities specified in sub. (8),
9 as well as the child being assessed and members of the child’s family or the child’s
10 guardian.

11 (b) Within the limits of state and federal funds allocated under sub. (13),
12 arrange service contracts under s. 46.036 and ensure the provision of necessary
13 long-term community support services for each child who meets the criteria,

14 specified in sub. (8) (b) - For services under the children's community
Options program

15 (c) Within the limits of state and federal funds allocated under sub. (13),
16 provide for ongoing care management services in accordance with the requirements
17 established under sub. (10) (b) 1., periodic case plan review and follow-up services

18 for any child receiving community support services under sub. (8) (b). Options program
the children's community

19 (d) Determine, under sub. (9), the fee, if any, for all families or guardians of
20 children who meet the criteria specified in sub. (8) (b) and are applying for or
to receive services

21 receiving children’s community support services that are funded under sub. (13) or
22 (14).

23 (e) In the instances in which a child who is provided community support
24 services under this section for which the child or his or her parent or guardian
25 receives direct funding, serve directly as a fiscal agent or contract with a fiscal

1 intermediary to serve as a fiscal agent for that child for the purposes of performing
2 the responsibilities and protecting the interests of the individual under the
3 unemployment insurance law. The county department may elect to act as a fiscal
4 agent or contract with a fiscal intermediary to serve as a fiscal agent for a child who
5 is provided long-term community support services under s. 46.275, 46.277, 46.278,
6 46.2785, 46.495, 51.42, or 51.437. The fiscal agent under this paragraph is
7 responsible for remitting any federal unemployment compensation taxes or state
8 unemployment insurance contributions owed by the child, including any interest
9 and penalties which are owed by the child; for serving as the representative of the
10 child in any investigation, meeting, hearing or appeal involving ch. 108 or the federal
11 unemployment tax act (26 USC 3301 to 3311) in which the child is a party; and for
12 receiving, reviewing, completing and returning all forms, reports and other
13 documents required under ch. 108 or the federal unemployment tax act on behalf of
14 the child. A child may make an informed, knowing and voluntary election to waive
15 the right to a fiscal agent. The waiver may be as to all or any portion of the fiscal
16 agent's responsibilities. The waiver may be rescinded in whole or in part at any time.

17 (f) Develop assessments and care plans according to uniform criteria
18 established by the department for children in all long-term care programs.

19 (8) FUNCTIONAL ELIGIBILITY ASSESSMENTS. (a) 1. Within the limits of state and
20 federal funds allocated under sub. (13) and within the limits of fees collected, an
21 assessment shall be conducted for any child with a disability who is seeking services
22 in the program.

23 2. Each assessment shall determine the child's functional abilities, disabilities,
24 and need for medical and social long-term community support services. Each
25 assessment shall include an investigation of long-term community support services

1 that could serve as alternatives to institutional care. The assessment shall include
2 an explanation of the potential community alternatives to the child being assessed
3 and the child's family or guardian.

4 3. An assessment under subd 1. is not required in any of the following
5 circumstances:

6 a. A child or community options plan is excluded because of gradual
7 implementation of the program.

8 b. A child is placed in an institutional setting in an emergency. An assessment
9 shall be completed within 10 days of admission to the institution if the admission was
10 an emergency.

11 c. The child would be admitted under a private pay agreement but the child will
12 be eligible for Medical Assistance within 6 months of admission to an inpatient
13 setting.

14 d. A child is readmitted to an institutional setting from a hospital within 6
15 months of an assessment under subd. 1.

16 e. A child or the parents or guardian of the child waive the assessment.

17 (b) Within the limits of state and federal funds allocated under sub. (13) and
18 within the limits of fees collected unless prohibited, a community services case plan
19 shall be developed for any child who has a disability and who meets all of the
20 following criteria:

21 1. Who is assessed under par. (a).

22 2. For whom noninstitutional community services are feasible, financially
23 viable and preferred by the child or the child's parent or guardian. In this
24 subdivision, noninstitutional community services are financially viable if they can
25 be financed by state or federal funds allocated under sub. (13).

1 (c) If the county, through an assessment, determines that a community
2 arrangement is not feasible, the county department administering the program shall
3 explain the reasons to the child and his or her family or guardian. The county
4 department administering the program shall maintain records sufficient to provide
5 the department with a periodic review of the reasons community arrangements were
6 not feasible in order to assist future program planning.

7 (d) The amount of any fee charged for conduct of an assessment under par. (a)
8 or for development of a case plan under par. (b) shall be in accordance with a sliding
9 scale formula established by the department under sub. (9). A fee may not be charged
10 if prohibited under the federal Medicaid law.

11 (e) The department shall encourage counties to use public health nurses who
12 meet the requirements of s. 250.06 (1) to conduct assessments under this subsection.

13 (9) FINANCIAL ELIGIBILITY AND FEES. (a) The department shall create a sliding
14 scale formula for a fee chargeable for conduct of an assessment under sub. (8), for
15 development of a case plan under sub. (8) (b), and for children's long-term
16 community support services that is based on the child's ability to pay, unless
17 prohibited from payment under the federal Medicaid law.

18 (b) The county department selected to administer the program shall require all
19 children or their parents or guardians applying for children's long-term community
20 support services at the time of application and all children receiving the services that
21 are funded under sub. (13) or (14) annually to provide the following information:

- 22 1. A declaration of income, on a form prescribed by the department.
- 23 2. A declaration of costs paid annually for care and services related to the
24 special needs or disability of the child for whom the application is made or services
25 are provided.

1 (c) From the information obtained under par. (b), the county department shall
 2 determine the amount of the fee for receipt of children's long-term community
 3 support services under this section. The county department shall require payment
 4 by the child or parent or guardian of the child of 100 percent of the amount calculated
 5 under this paragraph, unless the child is a recipient of medical assistance under s.
 6 49.472. If the person is a recipient of medical assistance under s. 49.472, the county
 7 department may not require any payment from the person under this paragraph.

8 (d) The county department shall use funds received under par (c) to pay for
 9 long-term community support services for children who are eligible under sub. (8) *for services the children's community options program*

10 (10) SERVICES; CARE MANAGEMENT REQUIREMENTS. (a) 1. The department shall
 11 reimburse, if applicable, and the county department or private nonprofit agency
 12 shall provide long-term community support services to eligible children who have
 13 a disability. *Within the limits of State and Federal funds allocated Under sub. (3) and within the limits of fees collected, the*

14 2. The department may not reimburse and the county department or private
 15 nonprofit agency may not pay for room and board for children under the children's
 16 community options program.

17 (b) The department, after consulting with representatives of counties,
 18 hospitals, and individuals who receive services under the children's community
 19 options program under this section, shall do all of the following:

20 1. Establish minimum requirements for the provision of care management
 21 services, as defined by the department, including standards for care, times for
 22 performance of duties, and size of case loads.

23 2. Specify a reasonable schedule for phasing in the requirements established
 24 under subd. 1.

1 3. Provide technical consultation and assistance to the administrator of the
2 program with respect to the requirements established under subd. 1.

3 (c) The department need not promulgate as rules under ch. 227 the
4 requirements under par. (b) 1. or the schedule under par. (b) 2.

5 **(11) FISCAL RESPONSIBILITY.** Except as provided in s. 51.40, and within the
6 limitations under sub. (13) (a) 2., the fiscal responsibility of a county for an
7 assessment, unless the assessment is performed by an entity under a contract as
8 specified under s. 46.284 (2), case plan, or services provided to a child under this
9 section is as follows:

10 (a) For a child seeking admission to or about to be admitted to an institutional
11 setting, the county in which the child has residence is the county of fiscal
12 responsibility.

13 (b) For a child residing in an institutional setting, except a state-operated
14 long-term care facility, the county in which the institution is located is the county
15 of fiscal responsibility.

16 (c) For a child living in an institutional setting, except a state-operated
17 long-term care facility, whose legal residence is established in another county, the
18 county in which the legal residence is established is the county of fiscal responsibility.

19 (d) For a child residing in a state-operated long-term care facility, or for a
20 person protectively placed under ch. 55, the county in which the child has residence
21 before he or she enters the state-operated long-term care facility or is protectively
22 placed is the county of fiscal responsibility.

23 **(12) REIMBURSEMENT DISALLOWANCES.** The department may disallow
24 reimbursement under this section for services provided to children who do not meet

for the children's community options program

1 the eligibility requirements under sub. (8) or any other eligibility requirements
2 established by the department.

3 (13) FUNDING. (a) Subject to pars. (b) and (h), from the appropriation under
4 s. 20.435 (7) (bd), the department shall allocate funds to each county or private
5 nonprofit agency with which the department contracts for all of the following
6 purposes:

7 1. To pay assessment and case plan costs under sub. (8) not otherwise paid by
8 fee or under s. 49.45 or 49.78 (2). The department shall reimburse multicounty
9 consortia for the cost of assessing children eligible for medical assistance under s.
10 49.46, 49.468, 49.47, or 49.471 (4) (a) as part of the administrative services of medical
11 assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds allocated
12 under this subdivision to pay the cost of long-term community support services and
13 for a risk reserve under par. (f).

14 2. To pay the cost of providing long-term community support services described
15 under sub. (7) (b) not otherwise paid under s. 49.45 to children eligible for medical
16 assistance under s. 49.46, 49.47, or 49.471 (4) (a). The county department
17 administering the program may spend funds received under this paragraph only in
18 accordance with the case plan and service contract created for each child receiving
19 long-term community support services. Counties may use unspent funds allocated
20 under this subdivision from the appropriation under s. 20.435 (7) (bd) for a risk
21 reserve under par. (f).

22 (b) 1. Receipt of funds under this section is subject to s. 46.495 (2).

23 2. The department may not release funds under this subsection before
24 approving the county's community options plan.

1 3. No county may use funds received under par. (a) 2. to pay for long-term
2 community support services provided to any child who resides in a nursing home,
3 unless the department waives this restriction on use of funds and the services are
4 provided in accordance with a discharge plan.

5 4. No county may use funds received under this section to purchase land or
6 construct buildings.

7 (c) The department may release funds to counties acting jointly, if the counties
8 sign a contract approved by the secretary that explains the plans for joint
9 sponsorship.

10 (d) If the department determines that a county demonstrates a pattern of
11 failure to serve clients whose cost of care significantly exceeds the average cost of care
12 for children's long-term community support services provided under this section, the
13 department may require that county to reserve a portion of funds allocated under
14 this subsection for provision of service to those clients.

15 (e) The department shall, at the request of a county, carry forward up to 5
16 percent of the amount allocated under this subsection to the county for a calendar
17 year if up to 5 percent of the amount so allocated has not been spent or encumbered
18 by the county by December 31 of that year, for use by the county in the following
19 calendar year, except that the amount carried forward shall be reduced by the
20 amount of funds that the county has notified the department that the county wishes
21 to place in a risk reserve under par. (f). The department may transfer funds within
22 s. 20.435 (7) ^{e (4) ✓} (bd) to accomplish this purpose. An allocation under this paragraph does
23 not affect a county's base allocation under this subsection and shall lapse to the
24 general fund unless expended within the calendar year to which the funds are
25 carried forward. A county may not expend funds carried forward under this

1 paragraph for administrative or staff costs, except administrative or staff costs that
2 are associated with implementation of the waiver under sub. (14) and approved by
3 the department.

4 (f) 1. Notwithstanding s. 46.036 (3) and (5m), a county may place in a risk
5 reserve funds that are allocated under par. (a) or sub. (14) (b) 1. and are not expended
6 or encumbered for services under this subsection or sub. (14). The county shall notify
7 the department of this decision and of the amount to be placed in the risk reserve.
8 The county shall maintain the risk reserve in an interest-bearing escrow account
9 with a financial institution, as defined in s. 69.30 (1) (b), if the department has
10 approved the terms of the escrow. All interest from the principal shall be reinvested
11 in the escrow account.

12 2. The annual amount of a county's expenditure for a risk reserve, as specified
13 in subd. 1., may not exceed 10 percent of the county's most recent allocation under
14 par. (a) and sub. (14) (b) 1. or \$750,000, whichever is less. The total amount of the
15 risk reserve, including interest, may not exceed 15 percent of the county's most recent
16 allocation under this subsection.

17 3. A county may expend funds maintained in a risk reserve, as specified in subd.
18 1., for any of the following purposes:

19 a. To defray costs of children's long-term community support services under
20 this section.

21 b. If approved by the department, for administrative or staff costs under this
22 section.

23 4. A county that maintains a risk reserve, as specified in subd. 1., shall
24 annually, on a form prescribed by the department, submit to the department a record
25 of the status of the risk reserve, including revenues and disbursements.

1 (g) The department may carry forward to the next state fiscal year funds
 2 allocated under this subsection and not encumbered by counties by December 31 or
 3 carried forward under par. (e). The department may transfer moneys within s.
 4 20.435 (7) (bd) ⁽⁴⁾ to accomplish this purpose. An allocation under this paragraph shall
 5 not affect a county's base allocation for the program. The department may allocate
 6 these transferred moneys during the next fiscal year to counties for the improvement
 7 or expansion of long-term community support services for clients whose cost of care
 8 significantly exceeds the average cost of care provided under this section, including
 9 any of the following:

- 10 1. Specialized training for providers of services under this section.
- 11 2. Start-up costs for developing needed services.
- 12 3. Home modifications.
- 13 4. Purchase of medical equipment or other specially adapted equipment.

14 (h) Funds allocated under this subsection may not be used to replace any other
 15 state and federal funds or any county funds that are currently being provided under
 16 any program to a family whose child is receiving services through the children's
 17 community options program.

18 (14) MEDICAL ASSISTANCE WAIVER. (a) The department may request a waiver
 19 from the federal department of health and human services authorizing the
 20 department to provide as part of the Medical Assistance program services for persons
 21 who are eligible for children's long-term support community options program
 22 services under sub. (7) (b).

23 (b) 1. Medical assistance reimbursement for services a county or a private
 24 nonprofit agency, or with which the department contracts provides under this
 25 subsection shall be made from the appropriations under s. 20.435 (4) ^(o) and (7) (b) ^{and (bd)} ✓

1 and (bd). Payments made under sub. (13) (a) may be used as the state share for
2 purposes of Medical Assistance reimbursement.

3 2. The department may provide reimbursement for services provided under
4 this subsection by counties that are in excess of the current average annual per
5 person rate, as established by the department, and are less than or equal to the
6 average amount approved in the waiver received under par. (a).

7 3. The department may contract for services under this subsection with a
8 county or a private nonprofit agency.

9 4. No county or private nonprofit agency may use funds received under this
10 subsection to provide residential services in a group home, as defined in s. 48.02 (7),
11 that has more than 5 beds, unless the department approves the provision of services
12 in a group home that has 6 to 8 beds.

13 (c) If a county department or private nonprofit agency providing services under
14 this subsection is certified under s. 49.45 (37) (a), the waiver under s. 49.45 (37), if
15 in effect, applies to plans of care for children receiving services under this subsection.

16 (15) RIGHT TO HEARING. A child who is denied eligibility for services or whose
17 services are reduced or terminated under this section may request a hearing from the
18 department under s. 227.44, except that lack of adequate funding may not serve as
19 the basis for a request under this subsection.

20 *-0972/P5.33*SECTION 88. 46.2803 (1) of the statutes is amended to read:

21 46.2803 (1) In order to facilitate the transition to the long-term care system
22 specified in ss. family care program as defined in s. 46.2805 to 46.2895 (4m), within
23 the limits of applicable federal statutes and regulations and if the secretary of health
24 services finds it necessary, he or she may grant a county limited waivers to or
25 exemptions from ss. 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2.

1 and 3. and (b) (intro.), 1. and 2., (6r) (c), (7) (b), (cj) and (cm) and (11) (c) 5m. (intro.)
2 and 6. and 46.277 (3) (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated
3 under those provisions.

4 ***-0972/P5.34***SECTION 89. 46.2803 (2) of the statutes is amended to read:

5 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management
6 organization is operating pursuant to a contract under s. 46.284 (2) or a county in
7 which a program described under s. 46.2805 (1) (a) (4k) or (b) (9m) is administered
8 may use funds appropriated under 20.435 (7) (bd) and allocated to the county under
9 s. 46.27 (7) to provide community mental health or substance abuse services and
10 supports for persons with mental illness or persons in need of services or supports
11 for substance abuse and to provide services under the Family Support Program
12 under s. 46.985.

as affected by 2015 Wisconsin Act ... (this act)

13 ***-1255/P2.5***SECTION 90. 46.2803 (2) of the statutes is amended to read:

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14 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management
15 organization is operating pursuant to a contract under s. 46.284 (2) or a county in
16 which a program described under s. 46.2805 (1) (a) (4k) or (b) (9m) is administered may use
17 funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27
18 (7) to provide community mental health or substance abuse services and supports for
19 persons with mental illness or persons in need of services or supports for substance
20 abuse and to provide services under the Family Support Program under s. 46.985.

21 ***-0972/P5.35***SECTION 91. 46.2804 of the statutes is repealed.

22 ***-0972/P5.36***SECTION 92. 46.2805 (intro.) of the statutes is amended to read:

23 **46.2805 Definitions; long-term care.** (intro.) In ss. 46.2805 to 46.2895
24 46.288: