



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1461/P2
TJD:jld:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

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

2 SECTION 1. 13.101 (6) (a) of the statutes is amended to read:

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

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.

11 **SECTION 2.** 13.94 (4) (a) 1. of the statutes, as affected by 2015 Wisconsin Act
12 (this act), is amended to read:

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

1 which moneys are specifically appropriated by state law; and every corporation,
2 institution, association or other organization which receives more than 50% of its
3 annual budget from appropriations made by state law, including subgrantee or
4 subcontractor recipients of such funds.

****NOTE: This is reconciled s. 13.94 (4) (a) 1. This SECTION has been affected by
drafts with the following LRB numbers: -0971/P4, -1215/P2, and -1461/P1.

5 **SECTION 3.** 13.94 (4) (b) of the statutes is amended to read:

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

13 **SECTION 4.** 17.15 (5) of the statutes is repealed.

14 **SECTION 5.** 17.27 (3m) of the statutes is repealed.

15 **SECTION 6.** 19.82 (1) of the statutes is amended to read:

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

1 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
2 or V of ch. 111.

3 **SECTION 7.** 20.145 (1) (g) (intro.) of the statutes is amended to read:

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

12 **SECTION 8.** 20.145 (1) (g) 3. of the statutes is repealed.

13 **SECTION 9.** 20.435 (4) (title) of the statutes is repealed and recreated to read:

14 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.

15 **SECTION 10.** 20.435 (4) (a) of the statutes is amended to read:

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

20 **SECTION 11.** 20.435 (4) (b) of the statutes is amended to read:

21 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
22 in the schedule to provide a portion of the state share of Medical Assistance program
23 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care

1 health care program under s. 49.665, to provide a portion of the Medical Assistance
2 program benefits administered under subch. IV of ch. 49 that are not also provided
3 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
4 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
5 services provided by resource centers or other entities under s. 46.283, for services
6 under the family care benefit program under s. 46.284 (5), for assisting victims of
7 diseases, as provided in ss. 49.68, 49.683, and 49.685, for distributing grants under
8 s. 146.64, and for reduction of any operating deficits as specified in 2005 Wisconsin
9 Act 15, section 3. Notwithstanding s. 20.002 (1), the department may transfer from
10 this appropriation account to the appropriation account under sub. (5) (kc) funds in
11 the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
12 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
13 account and may transfer between fiscal years funds that it transfers from the
14 appropriation account under sub. (5) (kc) for the purposes specified in s. 46.485 (3r).
15 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
16 account to the appropriation account under ~~sub. (7)~~ par. (bd) funds in the amount and
17 for the purposes specified in s. 49.45 (6v).

18 **SECTION 12.** 20.435 (4) (b) of the statutes, as affected by 2015 Wisconsin Act
19 (this act), is amended to read:

20 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
21 in the schedule to provide a portion of the state share of Medical Assistance program
22 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
23 health care program under s. 49.665, to provide a portion of the Medical Assistance
24 program benefits administered under subch. IV of ch. 49 that are not also provided
25 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion

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

15 **SECTION 13.** 20.435 (4) (bd) of the statutes, as affected by 2015 Wisconsin Act
16 (this act), is amended to read:

17 20.435 (4) (bd) *Long-term care programs.* The amounts in the schedule for
18 assessments, case planning, services, administration and risk reserve escrow
19 accounts under s. 46.27, for pilot projects under s. 46.271 (1), to fund services
20 provided by resource centers other entities under s. 46.283 (5), for services under the
21 family care program under s. 46.284 (5), for services and supports under s. 46.2803
22 (2), for services provided under the children's community options program under s.
23 46.272, and for the payment of premiums under s. 49.472 (5). ~~If the department~~
24 ~~transfers funds to this appropriation from the appropriation account under sub. (4)~~
25 (b), the amounts in the schedule for the fiscal year for which the transfer is made are

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

9 **SECTION 14.** 20.435 (4) (bm) of the statutes is amended to read:

10 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
11 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
12 amounts in the schedule to provide a portion of the state share of administrative
13 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
14 Badger Care health care program under s. 49.665 and to provide the state share of
15 administrative costs for the food stamp program under s. 49.79, other than payments
16 under s. 49.78 (8), to develop and implement a registry of recipient immunizations,
17 to reimburse 3rd parties for their costs under s. 49.475, for costs associated with
18 outreach activities, for state administration of state supplemental grants to
19 supplemental security income recipients under s. 49.77, and for services of resource
20 centers or other entities under s. 46.283. No state positions may be funded in the
21 department of health services from this appropriation, except positions for the
22 performance of duties under a contract in effect before January 1, 1987, related to
23 the administration of the Medical Assistance program between the subunit of the
24 department primarily responsible for administering the Medical Assistance
25 program and another subunit of the department. Total administrative funding

1 authorized for the program under s. 49.665 may not exceed 10% of the amounts
2 budgeted under pars. (p) and (x).

3 **SECTION 15.** 20.435 (4) (g) of the statutes is amended to read:

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

7 **SECTION 16.** 20.435 (4) (gm) of the statutes is amended to read:

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

21 **SECTION 17.** 20.435 (4) (h) of the statutes is repealed and recreated to read:

22 20.435 (4) (h) *County contributions.* All moneys received from counties as
23 contributions to the family care program, as defined in s. 46.2805 (4m), the program
24 of all-inclusive care for the elderly, as defined in s. 46.2805 (9m), and the Family Care
25 Partnership Program described under s. 46.2805 (4k) and from counties under ss.

1 46.99 (3) and (3m) and 46.995; to fund services under the family care program under
2 s. 46.284 (5) and services under the program of all-inclusive care for the elderly and
3 the Family Care Partnership Program and for an entity to administer and to pay for
4 services provided under the birth to 3 waiver program under s. 46.99 and the
5 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.

6 **SECTION 18.** 20.435 (4) (i) of the statutes is amended to read:

7 20.435 (4) (i) *Gifts, grants, and payments; health care financing.* All moneys
8 received from gifts, grants, bequests and trust funds to provide ~~health care financing~~
9 Medical Assistance, food stamp, and disability and elder services consistent with the
10 purpose of the gift, grant, bequest or trust fund, and all moneys received from
11 payments from nongovernmental individuals and entities for departmental
12 administrative services, for the purposes for which those payments are received.

13 **SECTION 19.** 20.435 (4) (iL) of the statutes is amended to read:

14 20.435 (4) (iL) *Medical assistance provider assessments; health services*
15 regulation. All moneys received from assessments charged under s. 49.45 (2) (b) 9.
16 and all moneys received under s. 150.13, for performance by the department of audits
17 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.

18 **SECTION 20.** 20.435 (4) (im) of the statutes is amended to read:

19 20.435 (4) (im) *Medical assistance; correct payment recovery; collections;*
20 community services; other recoveries. All moneys received from the recovery of
21 correct medical assistance payments under ss. 49.496 and 49.849, all moneys
22 received as collections and other recoveries from providers, drug manufacturers, and

1 other 3rd parties under medical assistance performance-based contracts, all moneys
2 received from the recovery of costs of care under ss. 46.27 (7g) and 49.849 for
3 enrollees who are ineligible for Medical Assistance, all moneys not appropriated
4 under par. (in), and all moneys credited to this appropriation account under s. 49.89
5 (7) (f), for payments to counties and tribal governing bodies under s. 49.496 (4) (a),
6 for payment of claims under s. 49.849 (5), for payments to the federal government for
7 its share of medical assistance benefits recovered, for the state share of medical
8 assistance benefits provided under subch. IV of ch. 49, for payments to care
9 management organizations for provision of the family care benefit under s. 46.284
10 (5), for payments for long-term community support services funded under s. 46.27
11 (7) as provided in s. 46.27 (7g) (e) and 49.849 (6) (b), for administration of the waiver
12 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.

13 **SECTION 21.** 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.

14 **SECTION 22.** 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.

15 **SECTION 23.** 20.435 (4) (o) of the statutes is amended to read:

16 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
17 meeting costs of Medical Assistance administered under ss. 46.284 (5) and 49.665
18 and subch. IV of ch. 49, to be used for those purposes, for transfer to the Medical
19 Assistance trust fund, for those purposes, and for transfer to the appropriation
20 account under sub. (5) (kx) for the purposes specified under sub. (5) (kx), ~~and to~~

1 transfer to the appropriation account under s. 20.435 (7) (im) \$19,100 in fiscal year
2 2009–10 and \$20,900 in fiscal year 2010–11.

3 **SECTION 24.** 20.435 (4) (pa) of the statutes is amended to read:

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

10 **SECTION 25.** 20.435 (5) (da) of the statutes is amended to read:

11 20.435 (5) (da) *Reimbursements to local units of government.* A sum sufficient
12 for the cost of care as provided in s. 51.22 (3) for persons who have a developmental
13 disability or who require mental health or alcoholism or other drug abuse treatment.

14 **SECTION 26.** 20.435 (5) (gg) of the statutes is amended to read:

15 20.435 (5) (gg) *Collection remittances to local units of government.* All moneys
16 received under ss. 46.03 (18) and 46.10, less moneys credited to sub. (7) (gc) and (h)
17 (4) (hp), for the purposes of remitting departmental collections under s. 46.03 (18) (g)
18 or 46.10 (8m) (a) 3. and 4.

19 **SECTION 27.** 20.435 (7) (title) of the statutes is repealed and recreated to read:

20 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.

21 **SECTION 28.** 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.

22 **SECTION 29.** 20.435 (7) (b) of the statutes is amended to read:

1 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
2 amounts in the schedule for human services under s. 46.40, to fund services provided
3 by resource centers or other entities under s. 46.283 (5), to fund activities in support
4 of resource center operations, for services under the family care benefit program
5 under s. 46.284 (5), for Medical Assistance payment adjustments under s. 49.45 (52)
6 (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance payments
7 under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45 (53) for
8 services described in s. 49.45 (53) that are provided before January 1, 2012. Social
9 services disbursements under s. 46.03 (20) (b) may be made from this appropriation.
10 Refunds received relating to payments made under s. 46.03 (20) (b) for the provision
11 of services for which moneys are appropriated under this paragraph shall be
12 returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
13 department of health services may transfer funds between fiscal years under this
14 paragraph. The department shall deposit into this appropriation funds it recovers
15 under ss. 46.495 (2) (b) and 51.423 (15), from prior year audit adjustments including
16 those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except
17 for amounts authorized to be carried forward under s. 46.45, all funds recovered
18 under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not
19 spent or encumbered by December 31 of each year shall lapse to the general fund on
20 the succeeding January 1 unless carried forward to the next calendar year by the
21 joint committee on finance.

22 **SECTION 30.** 20.435 (7) (bd) of the statutes is renumbered 20.435 (4) (bd) and
23 amended to read:

24 20.435 (4) (bd) *Long-term care programs.* The amounts in the schedule for
25 assessments, case planning, services, administration and risk reserve escrow

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

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

15 **SECTION 31.** 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.

16 **SECTION 32.** 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.

17 **SECTION 33.** 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.

18 **SECTION 34.** 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 **SECTION 35.** 20.435 (7) (h) of the statutes is renumbered 20.435 (4) (hp) and
2 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. (ge)~~, 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 **SECTION 36.** 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 **SECTION 37.** 20.435 (7) (hs) of the statutes is renumbered 20.435 (4) (hs).

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

13 **SECTION 38.** 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.

14 **SECTION 39.** 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.

15 **SECTION 40.** 20.435 (7) (jb) of the statutes is renumbered 20.435 (4) (jc) and
16 amended to read:

17 20.435 (4) (jc) *Fees for administrative services.* All moneys received from fees
18 charged for providing state mailings, special computer services, training programs,
19 printed materials, and publications ~~relating to long-term care services~~, for the

1 purpose of providing those state mailings, special computer services, training
2 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).

3 **SECTION 41.** 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.

4 **SECTION 42.** 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.

5 **SECTION 43.** 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.

6 **SECTION 44.** 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.

7 **SECTION 45.** 20.927 (1m) of the statutes, as affected by 2015 Wisconsin Act ...
8 (this act), is amended to read:

9 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
10 or of any county, city, village, or town ~~or long-term care district under s. 46.2895~~ or
11 of any subdivision or agency of this state, including an authority created in ch. 36 or
12 233, or of any subdivision or agency of any county, city, village or town and no federal
13 funds passing through the state treasury shall be authorized for or paid to a
14 physician or surgeon or a hospital, clinic or other medical facility for the performance
15 of an abortion.

****NOTE: This is reconciled s. 20.927 (1m). This SECTION has been affected by drafts with the following LRB numbers: -0971/P4 and -1461/P1.

16 **SECTION 46.** 20.9275 (1) (b) of the statutes is amended to read:

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.

4 **SECTION 47.** 25.50 (1) (d) of the statutes, as affected by 2015 Wisconsin Act
5 (this act), is amended to read:

6 25.50 (1) (d) “Local government” means any county, town, village, city, power
7 district, sewerage district, drainage district, town sanitary district, public inland
8 lake protection and rehabilitation district, local professional baseball park district
9 created under subch. III of ch. 229, ~~long-term care district under s. 46.2895~~, local
10 professional football stadium district created under subch. IV of ch. 229, local
11 cultural arts district created under subch. V of ch. 229, public library system, school
12 district or technical college district in this state, any commission, committee, board
13 or officer of any governmental subdivision of this state, any court of this state, other
14 than the court of appeals or the supreme court, the University of Wisconsin System
15 Authority, or any authority created under s. 114.61, 231.02, 233.02, or 235.011.

 ****NOTE: This is reconciled s. 25.50 (1) (d). This SECTION has been affected by
 drafts with the following LRB numbers: -0971/P4, -1215/P2, and -1461/P1.

16 **SECTION 48.** 25.77 (2) of the statutes is amended to read:

17 25.77 (2) All public funds that are related to payments under s. 49.45 and that
18 are transferred or certified under 42 CFR 433.51 (b) and used as the nonfederal and
19 federal share of Medical Assistance funding, except funds that are deposited into the
20 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.

21 **SECTION 49.** 40.02 (28) of the statutes is amended to read:

1 40.02 (28) “Employer” means the state, including each state agency, any
2 county, city, village, town, school district, other governmental unit or
3 instrumentality of 2 or more units of government now existing or hereafter created
4 within the state, any federated public library system established under s. 43.19
5 whose territory lies within a single county with a population of 500,000 or more, and
6 a local exposition district created under subch. II of ch. 229, ~~and a long-term care~~
7 ~~district created under s. 46.2895~~, except as provided under ss. 40.51 (7) and 40.61 (3).
8 “Employer” does not include a local cultural arts district created under subch. V of
9 ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.

10 **SECTION 50.** 40.02 (36) of the statutes is amended to read:

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

21 **SECTION 51.** 46.21 (2m) (c) of the statutes is amended to read:

22 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
23 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), and 253.07
24 (3) (c), a subunit of a county department of human services or tribal agency acting
25 under this subsection may exchange confidential information about a client, without

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

15 **SECTION 52.** 46.21 (2m) (c) of the statutes, as affected by 2015 Wisconsin Act
16 (this act), is amended to read:

17 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. ~~46.2895 (9)~~, 48.78
18 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), and 253.07
19 (3) (c), a subunit of a county department of human services or tribal agency acting
20 under this subsection may exchange confidential information about a client, without
21 the informed consent of the client, with any other subunit of the same county
22 department of human services or tribal agency, with a resource center or other
23 contracted entity under s. 46.283 (2), or a care management organization, ~~or~~ a
24 ~~long-term care district~~, with an elder-adult-at-risk agency, an adult-at-risk
25 agency, or any agency to which referral for investigation is made under s. 46.90 (5)

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

10 **SECTION 53.** 46.215 (1) (r) of the statutes is amended to read:

11 46.215 (1) (r) If authorized under s. 46.283 (1) (a) ~~1.~~, to apply to the department
12 of health services to operate a resource center under s. 46.283 and, if the department
13 contracts with the county under s. 46.283 (2), to operate the resource center.

14 **SECTION 54.** 46.215 (1) (s) of the statutes is amended to read:

15 46.215 (1) (s) If authorized under s. 46.284 (1) (a) ~~1.~~, to apply to the department
16 of health services to operate a care management organization under s. 46.284 and,
17 if the department contracts with the county under s. 46.284 (2), to operate the care
18 management organization and, if appropriate, place funds in a risk reserve.

19 **SECTION 55.** 46.215 (1m) of the statutes is amended to read:

20 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
21 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
22 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
23 services or tribal agency acting under this section may exchange confidential
24 information about a client, without the informed consent of the client, with any other
25 subunit of the same county department of social services or tribal agency, with a

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

13 **SECTION 56.** 46.215 (1m) of the statutes, as affected by 2015 Wisconsin Act
14 (this act), is amended to read:

15 **46.215 (1m) 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 social
18 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 social services or tribal agency, with a
21 resource center or other contracted entity under s. 46.283 (2), or a care management
22 organization, ~~or a long-term care district~~, with an elder-adult-at-risk agency, an
23 adult-at-risk agency, or any agency to which referral for investigation is made under
24 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
25 under a purchase of services contract with the county department of social services

1 or tribal agency or with a resource center or other contracted entity under s. 46.283
2 (2), or a care management organization, ~~or a long-term care district~~, if necessary to
3 enable an employee or service provider to perform his or her duties, or to enable the
4 county department of social services or tribal agency to coordinate the delivery of
5 services to the client. An agency that releases information under this subsection
6 shall document that a request for information was received and what information
7 was provided.

8 **SECTION 57.** 46.215 (1p) of the statutes is amended to read:

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

16 **SECTION 58.** 46.22 (1) (b) 1. j. of the statutes is amended to read:

17 **46.22 (1) (b) 1. j.** If authorized under s. 46.283 (1) (a) ~~1.~~, to apply to the
18 department of health services to operate a resource center under s. 46.283 and, if the
19 department contracts with the county under s. 46.283 (2), to operate the resource
20 center.

21 **SECTION 59.** 46.22 (1) (b) 1. k. of the statutes is amended to read:

22 **46.22 (1) (b) 1. k.** If authorized under s. 46.284 (1) (a) ~~1.~~, to apply to the
23 department of health services to operate a care management organization under s.
24 46.284 and, if the department contracts with the county under s. 46.284 (2), to

1 operate the care management organization and, if appropriate, place funds in a risk
2 reserve.

3 **SECTION 60.** 46.22 (1) (dm) of the statutes is amended to read:

4 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
5 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
6 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
7 services or tribal agency acting under this subsection may exchange confidential
8 information about a client, without the informed consent of the client, with any other
9 subunit of the same county department of social services or tribal agency, with a
10 resource center or other contracted entity under s. 46.283 (2), a care management
11 organization, or a long-term care district, with an elder-adult-at-risk agency, an
12 adult-at-risk agency, or any agency to which referral for investigation is made under
13 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
14 under a purchase of services contract with the county department of social services
15 or tribal agency or with a resource center or other contracted entity under s. 46.283
16 (2), a care management organization, or a long-term care district, if necessary to
17 enable an employee or service provider to perform his or her duties, or to enable the
18 county department of social services or tribal agency to coordinate the delivery of
19 services to the client. An agency that releases information under this paragraph
20 shall document that a request for information was received and what information
21 was provided.

22 **SECTION 61.** 46.22 (1) (dm) of the statutes, as affected by 2015 Wisconsin Act
23 (this act), is amended to read:

24 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
25 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,

1 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
2 services or tribal agency acting under this subsection may exchange confidential
3 information about a client, without the informed consent of the client, with any other
4 subunit of the same county department of social services or tribal agency, with a
5 resource center or other contracted entity under s. 46.283 (2), or a care management
6 organization, ~~or a long-term care district~~, with an elder-adult-at-risk agency, an
7 adult-at-risk agency, or any agency to which referral for investigation is made under
8 s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person providing services to the client
9 under a purchase of services contract with the county department of social services
10 or tribal agency or with a resource center or other contracted entity under s. 46.283
11 (2), or a care management organization, ~~or a long-term care district~~, if necessary to
12 enable an employee or service provider to perform his or her duties, or to enable the
13 county department of social services or tribal agency to coordinate the delivery of
14 services to the client. An agency that releases information under this paragraph
15 shall document that a request for information was received and what information
16 was provided.

17 **SECTION 62.** 46.22 (1) (dp) of the statutes is amended to read:

18 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
19 *information system.* Notwithstanding ss. ~~46.2895 (9)~~, 48.396 (1) and (2) (a), 48.78 (2)
20 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
21 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department
22 under this section may enter the content of any record kept or information received
23 by that county department into the statewide automated child welfare information
24 system established under s. 48.47 (7g).

25 **SECTION 63.** 46.23 (3) (e) of the statutes is amended to read:

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

19 **SECTION 64.** 46.23 (3) (e) of the statutes, as affected by 2015 Wisconsin Act ...
20 (this act), is amended to read:

21 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
22 ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
23 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of
24 human services or tribal agency acting under this section may exchange confidential
25 information about a client, without the informed consent of the client, with any other

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

14 **SECTION 65.** 46.23 (3) (ed) of the statutes is amended to read:

15 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
16 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
17 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
18 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department
19 under this section may enter the content of any record kept or information received
20 by that county department into the statewide automated child welfare information
21 system established under s. 48.47 (7g).

22 **SECTION 66.** 46.27 (4) (am) of the statutes is repealed.

23 **SECTION 67.** 46.27 (4) (c) (intro.) of the statutes is amended to read:

24 46.27 (4) (c) (intro.) The planning committee shall develop, ~~or, if the governing~~
25 ~~board of a resource center has under s. 46.283 (6) (b) 10. assumed the duties of the~~

1 ~~planning committee, the governing board of the resource center shall recommend a~~
2 community options plan for participation in the program. The plan shall include:

3 **SECTION 68.** 46.27 (4) (c) 5. of the statutes is amended to read:

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

8 **SECTION 69.** 46.27 (7) (am) of the statutes is amended to read:

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

18 **SECTION 70.** 46.27 (7) (b) of the statutes is amended to read:

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

1 this paragraph may not exceed the state share of the average per person payment
2 rate the department expects under s. 49.45 (6m). The county department or aging
3 unit administering the program may spend funds received under this paragraph
4 only in accordance with the case plan and service contract created for each person
5 receiving long-term community support services. Counties may use unspent funds
6 allocated under this paragraph from the appropriation under s. 20.435 (7) (4) (bd) for
7 a risk reserve under par. (fr).

8 **SECTION 71.** 46.27 (7) (fm) of the statutes is amended to read:

9 46.27 (7) (fm) The department shall, at the request of a county, carry forward
10 up to 5% of the amount allocated under this subsection to the county for a calendar
11 year if up to 5% of the amount so allocated has not been spent or encumbered by the
12 county by December 31 of that year, for use by the county in the following calendar
13 year, except that the amount carried forward shall be reduced by the amount of funds
14 that the county has notified the department that the county wishes to place in a risk
15 reserve under par. (fr). The department may transfer funds within s. 20.435 (7) (4)
16 (bd) to accomplish this purpose. An allocation under this paragraph does not affect
17 a county's base allocation under this subsection and shall lapse to the general fund
18 unless expended within the calendar year to which the funds are carried forward.
19 A county may not expend funds carried forward under this paragraph for
20 administrative or staff costs, except administrative or staff costs that are associated
21 with implementation of the waiver under sub. (11) and approved by the department.

22 **SECTION 72.** 46.27 (7) (fr) 3. c. of the statutes is repealed.

23 **SECTION 73.** 46.27 (7) (g) (intro.) of the statutes is amended to read:

24 46.27 (7) (g) (intro.) The department may carry forward to the next state fiscal
25 year funds allocated under this subsection and not encumbered by counties by

1 December 31 or carried forward under par. (fm). The department may transfer
2 moneys within s. 20.435 (7) (4) (bd) to accomplish this purpose. An allocation under
3 this paragraph shall not affect a county's base allocation for the program. The
4 department may allocate these transferred moneys during the next fiscal year to
5 counties for planning and implementation of resource centers under s. 46.283 or care
6 management organizations under s. 46.284 and for the improvement or expansion
7 of long-term community support services for clients whose cost of care significantly
8 exceeds the average cost of care provided under this section, including any of the
9 following:

10 **SECTION 74.** 46.27 (7g) (d) of the statutes is amended to read:

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

24 **SECTION 75.** 46.27 (7g) (e) of the statutes is amended to read:

1 46.27 **(7g)** (e) From the appropriation under s. 20.435 ~~(7)~~ (4) (im), the
2 department shall pay the amount of the payments under par. (d) and shall spend the
3 remainder of the funds recovered under this subsection for long-term community
4 support services funded under sub. (7) (b).

5 **SECTION 76.** 46.27 (11) (c) 3. of the statutes is amended to read:

6 46.27 **(11)** (c) 3. Medical assistance reimbursement for services a county, a
7 private nonprofit agency or an aging unit with which the department contracts
8 provides under this subsection shall be made from the appropriations under s. 20.435
9 ~~(4) (bd) and~~ (o) and (7) (b) ~~and (bd)~~.

10 **SECTION 77.** 46.27 (13) of the statutes is created to read:

11 46.27 **(13)** PROGRAM TERMINATION. Notwithstanding subs. (5), (6), (6g), (6u), (7),
12 (7m), (8), and (11), after the date the family care benefit, as defined in s. 46.2805 (4),
13 is available to eligible residents of a county, the department may discontinue the
14 program under this section in that county.

15 **SECTION 78.** 46.271 (1) (a) (intro.) of the statutes is amended to read:

16 46.271 **(1)** (a) (intro.) From the appropriation under s. 20.435 ~~(7)~~ (4) (bd), the
17 department shall award \$100,000 in each fiscal year to applying county departments
18 under s. 46.215, 46.22, 46.23, 51.42 or 51.437 or to an aging unit under the conditions
19 specified in par. (c) to establish pilot projects for home and community-based
20 long-term support services. Funds awarded to the pilot projects shall be used to do
21 any of the following:

22 **SECTION 79.** 46.272 of the statutes is created to read:

23 **46.272 Children's community options program. (1) DEFINITIONS.** In this
24 section:

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

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

9 1. Self-care.

10 2. Receptive and expressive language.

11 3. Learning.

12 4. Mobility.

13 5. Self-direction.

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

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

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

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

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

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

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

8 (b) In consultation with representatives of counties, hospitals, and other
9 institutional settings and with recipients of children’s community support services,
10 develop guidelines for implementing the program and criteria for reviewing
11 community options plans from counties participating in the program under this
12 section. The guidelines and criteria shall address cost-effectiveness, scope,
13 feasibility and impact on the quality and appropriateness of health services and
14 social services and shall provide counties with maximum flexibility to develop
15 programs that address local needs.

16 (c) Review and approve or disapprove the community options plan of each
17 county participating in the children’s community options program.

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

21 (e) Periodically monitor the implementation of the children’s community
22 options program.

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

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

3 (a) Appoint members to an advisory committee or appoint an existing
4 committee in the service area as the children’s community options advisory
5 committee to assist in developing the program plan and to monitor the program. The
6 committee shall include, but need not be limited to, the following members:

7 1. Parents of children with disabilities including, if possible, parents from
8 families that participate in the children’s community options program. To the
9 maximum extent possible, the parents shall be representative of the various
10 disability, racial, and ethnic groups in the service area. The members specified under
11 this subdivision shall constitute a majority of the membership of the committee.

12 2. Persons from the service area representing the county department under s.
13 46.23, 51.42, or 51.437 and the county department under s. 46.215 or 46.22, school
14 districts, and local health departments, as defined in s. 250.01 (4). At least one of the
15 committee members selected under this subdivision shall be a person providing
16 community social services to children with disabilities who are eligible for the
17 program.

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

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

22 1. A description of the proposed program.

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

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

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

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

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

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

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

12 (c) Submit the proposed program plan to the county board of supervisors in each
13 county in the service area for review. After approval by the county board of
14 supervisors in each county in which families are eligible to participate in the
15 program, the county department shall submit the proposed program plan to the
16 department.

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

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

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

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

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

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

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

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

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

12 **(7) COUNTY DEPARTMENT DUTIES.** The county department selected to administer
13 the children's community options program shall:

14 (a) Organize assessment activities specified in par. (f) and sub. (8). The county
15 department shall utilize persons for each assessment who can determine the needs
16 of the child being assessed and who know the availability within the county of
17 services. The county department shall coordinate the involvement of
18 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
19 51.437, and health service providers in the assessment activities specified in sub. (8),
20 as well as the child being assessed and members of the child's family or the child's
21 guardian.

22 (b) Within the limits of state and federal funds allocated under sub. (13),
23 arrange service contracts under s. 46.036 and ensure the provision of necessary
24 long-term community support services for each child who meets the criteria for
25 services under the children's community options program.

1 (c) Within the limits of state and federal funds allocated under sub. (13),
2 provide for ongoing care management services in accordance with the requirements
3 established under sub. (10) (b) 1., periodic case plan review and follow-up services
4 for any child receiving community support services under the children's community
5 options program.

6 (d) Determine, under sub. (9), the fee, if any, for all families or guardians of
7 children who meet the criteria to receive services and are applying for or receiving
8 children's community support services that are funded under sub. (13) or (14).

9 (e) In the instances in which a child who is provided community support
10 services under this section for which the child or his or her parent or guardian
11 receives direct funding, serve directly as a fiscal agent or contract with a fiscal
12 intermediary to serve as a fiscal agent for that child for the purposes of performing
13 the responsibilities and protecting the interests of the individual under the
14 unemployment insurance law. The county department may elect to act as a fiscal
15 agent or contract with a fiscal intermediary to serve as a fiscal agent for a child who
16 is provided long-term community support services under s. 46.275, 46.277, 46.278,
17 46.2785, 46.495, 51.42, or 51.437. The fiscal agent under this paragraph is
18 responsible for remitting any federal unemployment compensation taxes or state
19 unemployment insurance contributions owed by the child, including any interest
20 and penalties which are owed by the child; for serving as the representative of the
21 child in any investigation, meeting, hearing or appeal involving ch. 108 or the federal
22 unemployment tax act (26 USC 3301 to 3311) in which the child is a party; and for
23 receiving, reviewing, completing and returning all forms, reports and other
24 documents required under ch. 108 or the federal unemployment tax act on behalf of
25 the child. A child may make an informed, knowing and voluntary election to waive

1 the right to a fiscal agent. The waiver may be as to all or any portion of the fiscal
2 agent's responsibilities. The waiver may be rescinded in whole or in part at any time.

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

5 (8) ASSESSMENTS. Within the limits of state and federal funds allocated under
6 sub. (13) and within the limits of fees collected, an assessment shall be conducted for
7 any child with a disability who is seeking services in the program.

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

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

17 1. A declaration of income, on a form prescribed by the department.
18 2. A declaration of costs paid annually for care and services related to the
19 special needs or disability of the child for whom the application is made or services
20 are provided.

21 (c) From the information obtained under par. (b), the county department shall
22 determine the amount of the fee for receipt of children's long-term community
23 support services under this section. The county department shall require payment
24 by the child or parent or guardian of the child of 100 percent of the amount calculated
25 under this paragraph.

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

4 (10) SERVICES; CARE MANAGEMENT REQUIREMENTS. (a) 1. Within the limits of state
5 and federal funds allocated under sub. (13) and within the limits of fees collected, the
6 department shall reimburse, if applicable, and the county department or private
7 nonprofit agency shall provide long-term community support services to eligible
8 children who have a disability.

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

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

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

18 2. Specify a reasonable schedule for phasing in the requirements established
19 under subd. 1.

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

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

24 (11) FISCAL RESPONSIBILITY. Except as provided in s. 51.40, and within the
25 limitations under sub. (13) (a) 2., the fiscal responsibility of a county for an

1 assessment, unless the assessment is performed by an entity under a contract as
2 specified under s. 46.284 (2), case plan, or services provided to a child under this
3 section is as follows:

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

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

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

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

17 **(12) REIMBURSEMENT DISALLOWANCES.** The department may disallow
18 reimbursement under this section for services provided to children who do not meet
19 the eligibility requirements for the children's community options program or any
20 other eligibility requirements established by the department.

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

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

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

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

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

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

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

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

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

9 (e) The department shall, at the request of a county, carry forward up to 5
10 percent of the amount allocated under this subsection to the county for a calendar
11 year if up to 5 percent of the amount so allocated has not been spent or encumbered
12 by the county by December 31 of that year, for use by the county in the following
13 calendar year, except that the amount carried forward shall be reduced by the
14 amount of funds that the county has notified the department that the county wishes
15 to place in a risk reserve under par. (f). The department may transfer funds within
16 s. 20.435 (4) (bd) to accomplish this purpose. An allocation under this paragraph does
17 not affect a county's base allocation under this subsection and shall lapse to the
18 general fund unless expended within the calendar year to which the funds are
19 carried forward. A county may not expend funds carried forward under this
20 paragraph for administrative or staff costs, except administrative or staff costs that
21 are associated with implementation of the waiver under sub. (14) and approved by
22 the department.

23 (f) 1. Notwithstanding s. 46.036 (3) and (5m), a county may place in a risk
24 reserve funds that are allocated under par. (a) or sub. (14) (b) 1. and are not expended
25 or encumbered for services under this subsection or sub. (14). The county shall notify

1 the department of this decision and of the amount to be placed in the risk reserve.
2 The county shall maintain the risk reserve in an interest-bearing escrow account
3 with a financial institution, as defined in s. 69.30 (1) (b), if the department has
4 approved the terms of the escrow. All interest from the principal shall be reinvested
5 in the escrow account.

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

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

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

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

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

20 (g) The department may carry forward to the next state fiscal year funds
21 allocated under this subsection and not encumbered by counties by December 31 or
22 carried forward under par. (e). The department may transfer moneys within s.
23 20.435 (4) (bd) to accomplish this purpose. An allocation under this paragraph shall
24 not affect a county's base allocation for the program. The department may allocate
25 these transferred moneys during the next fiscal year to counties for the improvement

1 or expansion of long-term community support services for clients whose cost of care
2 significantly exceeds the average cost of care provided under this section, including
3 any of the following:

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

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

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

17 (b) 1. Medical assistance reimbursement for services a county or a private
18 nonprofit agency, or with which the department contracts provides under this
19 subsection shall be made from the appropriations under s. 20.435 (4) and (bd) (o) and
20 (7) (b). Payments made under sub. (13) (a) may be used as the state share for
21 purposes of Medical Assistance reimbursement.

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

24 4. No county or private nonprofit agency may use funds received under this
25 subsection to provide residential services in a group home, as defined in s. 48.02 (7),

1 that has more than 5 beds, unless the department approves the provision of services
2 in a group home that has 6 to 8 beds.

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

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

10 **SECTION 80.** 46.2803 (1) of the statutes is amended to read:

11 46.2803 (1) In order to facilitate the transition to the long-term care system
12 ~~specified in ss. family care program as defined in s. 46.2805 to 46.2895 (4m)~~, within
13 the limits of applicable federal statutes and regulations and if the secretary of health
14 services finds it necessary, he or she may grant a county limited waivers to or
15 exemptions from ss. 46.27 (3) (e) (intro.), 1. and 2. and (f), (5) (d) and (e), (6) (a) 1., 2.
16 and 3. and (b) (intro.), 1. and 2., (6r) (c), (7) (b), (cj) and (cm) and (11) (c) 5m. (intro.)
17 and 6. and 46.277 (3) (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated
18 under those provisions.

19 **SECTION 81.** 46.2803 (2) of the statutes is amended to read:

20 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management
21 organization is operating pursuant to a contract under s. 46.284 (2) or a county in
22 which a program described under s. 46.2805 (1) (a) (4k) or (b) (9m) is administered
23 may use funds appropriated under 20.435 (7) (bd) and allocated to the county under
24 s. 46.27 (7) to provide community mental health or substance abuse services and
25 supports for persons with mental illness or persons in need of services or supports

1 for substance abuse and to provide services under the Family Support Program
2 under s. 46.985.

3 **SECTION 82.** 46.2803 (2) of the statutes, as affected by 2015 Wisconsin Act
4 (this act), 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 (4k) or (9m) is administered may use
8 funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27
9 (7) to provide community mental health or substance abuse services and supports for
10 persons with mental illness or persons in need of services or supports for substance
11 abuse and to provide services under the Family Support Program under s. 46.985.

12 **SECTION 83.** 46.2804 of the statutes is repealed.

13 **SECTION 84.** 46.2805 (intro.) of the statutes is amended to read:

14 **46.2805 Definitions; long-term care.** (intro.) In ss. 46.2805 to 46.2895
15 46.288:

16 **SECTION 85.** 46.2805 (1) (intro.) of the statutes is amended to read:

17 46.2805 (1) (intro.) "Care management organization" means all of the
18 following:

19 (cm) Before January 1, 2017, or the date specified in 2015 Wisconsin Act
20 (this act), section 9118 (1), whichever is later, an entity that is certified as meeting
21 the requirements for a care management organization under s. 46.284 (3) and that
22 has a contract under s. 46.284 (2). "Care management organization" does not mean
23 an entity that contracts with the department to operate one of the following:

24 **SECTION 86.** 46.2805 (1) (a) of the statutes is repealed.

25 **SECTION 87.** 46.2805 (1) (b) of the statutes is repealed.