



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/28/2015 (Per: CMH & TJD)

☞ Compile Draft – Appendix A **... Part II**

Appendix A ☞ The 2015 drafting file for LRB-0972

Appendix B ☞ The 2015 drafting file for LRB-1035

Appendix C ☞ The 2015 drafting file for LRB-1130

Appendix D ☞ The 2015 drafting file for LRB-1255

has been copied/added to the drafting file for

2015 LRB-1461



(TODAY)
State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0972/P1
TJD:cjs:jf

P2

In: 1/19/15

stays

DOA:.....Dombrowski, BB0315 – Statewide model for Family Care and other changes to Family Care

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

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do NOT gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

2 SECTION 1. 13.94 (4) (a) 1. of the statutes is amended to read:

3 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
4 credentialing board, commission, independent agency, council or office in the
5 executive branch of state government; all bodies created by the legislature in the
6 legislative or judicial branch of state government; any public body corporate and
7 politic created by the legislature including specifically the Fox River Navigational

1 System Authority, the Lower Fox River Remediation Authority, the Wisconsin
2 Aerospace Authority, the Wisconsin Economic Development Corporation, a
3 professional baseball park district, a local professional football stadium district, and
4 a local cultural arts district ~~and a long-term care district under s. 46.2895~~; every
5 Wisconsin works agency under subch. III of ch. 49; every provider of medical
6 assistance under subch. IV of ch. 49; technical college district boards; every county
7 department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or
8 unincorporated cooperative association to which moneys are specifically
9 appropriated by state law; and every corporation, institution, association or other
10 organization which receives more than 50% of its annual budget from appropriations
11 made by state law, including subgrantee or subcontractor recipients of such funds.

12 **SECTION 2.** 13.94 (4) (b) of the statutes is amended to read:

13 13.94 (4) (b) In performing audits of ~~long-term care districts under s. 46.2895~~,
14 Wisconsin works agencies under subch. III of ch. 49, providers of medical assistance
15 under subch. IV of ch. 49, corporations, institutions, associations, or other
16 organizations, and their subgrantees or subcontractors, the legislative audit bureau
17 shall audit only the records and operations of such providers and organizations
18 which pertain to the receipt, disbursement or other handling of appropriations made
19 by state law.

20 **SECTION 3.** 17.15 (5) of the statutes is repealed.

21 **SECTION 4.** 17.27 (3m) of the statutes is repealed.

22 **SECTION 5.** 19.82 (1) of the statutes is amended to read:

23 19.82 (1) "Governmental body" means a state or local agency, board,
24 commission, committee, council, department or public body corporate and politic
25 created by constitution, statute, ordinance, rule or order; a governmental or

1 quasi-governmental corporation except for the Bradley center sports and
2 entertainment corporation; a local exposition district under subch. II of ch. 229; ~~a~~
3 ~~long-term care district under s. 46.2895~~; or a formally constituted subunit of any of
4 the foregoing, but excludes any such body or committee or subunit of such body which
5 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
6 or V of ch. 111.

7 **SECTION 6.** 20.145 (1) (g) (intro.) of the statutes is amended to read:

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

16 **SECTION 7.** 20.145 (1) (g) 3. of the statutes is repealed.

17 **SECTION 8.** 20.435 (4) (b) of the statutes is amended to read:

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

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

****NOTE: I changed "family care benefit" to "family care program" in this and other
DHS appropriations as seems to be a more appropriate reference in the context of the
appropriation. Since the statutory reference is actually to the care management
organization statute, it would be more appropriate to refer to services provided by care
management organizations under s. 46.284 (5) instead of the family care program. Please
advise if you would like me to change the language.

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

14 20.435 (4) (g) *Family care benefit; cost sharing.* All moneys received from client
15 cost-sharing requirements under s. 46.286 (2) to be expended for the provision of
16 services under the family care ~~benefit program~~ under s. 46.284 (5).

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

18 20.435 (4) (gm) *Medical assistance; provider refunds and collections.* All
19 moneys received from provider refunds, third party liability payments, drug rebates,
20 audit recoveries, and other collections related to expenditures made from pars. (b),
21 (jz), and (w), except for those moneys deposited in the appropriation accounts under
22 par. (im) or (in) regardless of the fiscal year in which the expenditure from par. (b),

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

✓
 Insert
 5-10
 Insert
 5-11

9 SECTION 11. 20.435 (4) (jt) of the statutes is repealed.

10 SECTION 12. 20.435 (4) (kv) of the statutes is repealed.

11 SECTION 13. 20.435 (7) (b) of the statutes is amended to read:

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

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

7 **SECTION 14.** 20.435 (7) (bd) of the statutes is amended to read:

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

24 **SECTION 15.** 20.435 (7) (g) of the statutes is amended to read:

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

8 **SECTION 16.** 20.927 (1m) of the statutes 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. 233,
12 or of any subdivision or agency of any county, city, village or town and no federal funds
13 passing through the state treasury shall be authorized for or paid to a physician or
14 surgeon or a hospital, clinic or other medical facility for the performance of an
15 abortion.

16 **SECTION 17.** 20.9275 (1) (b) of the statutes is amended to read:

17 20.9275 (1) (b) "Local governmental unit" means a city, village, town, or county
18 ~~or long-term care district under s. 46.2895~~ or an agency or subdivision of a city,
19 village, town, or county.

20 **SECTION 18.** 25.50 (1) (d) of the statutes is amended to read:

21 25.50 (1) (d) "Local government" means any county, town, village, city, power
22 district, sewerage district, drainage district, town sanitary district, public inland
23 lake protection and rehabilitation district, local professional baseball park district
24 created under subch. III of ch. 229, ~~long-term care district under s. 46.2895,~~ local
25 professional football stadium district created under subch. IV of ch. 229, local

1 cultural arts district created under subch. V of ch. 229, public library system, school
2 district or technical college district in this state, any commission, committee, board
3 or officer of any governmental subdivision of this state, any court of this state, other
4 than the court of appeals or the supreme court, or any authority created under s.
5 114.61, 231.02, 233.02, or 234.02.

6 **SECTION 19.** 40.02 (28) of the statutes is amended to read:

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

16 **SECTION 20.** 40.02 (36) of the statutes is amended to read:

17 40.02 (36) "Governing body" means the legislature or the head of each state
18 agency with respect to employees of that agency for the state, the common council
19 in cities, the village board in villages, the town board in towns, the county board in
20 counties, the school board in school districts, or the board, commission or other
21 governing body having the final authority for any other unit of government, for any
22 agency or instrumentality of 2 or more units of government, for any federated public
23 library system established under s. 43.19 whose territory lies within a single county
24 with a population of 500,000 or more, or for a local exposition district created under

1 subch. II of ch. 229 ~~or for a long-term care district created under s. 46.2895~~, but does
2 not include a local cultural arts district created under subch. V of ch. 229.

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

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

20 **SECTION 22.** 46.215 (1) (r) of the statutes is amended to read:

21 46.215 (1) (r) If authorized under s. 46.283 (1) (a) ~~1.~~, to apply to the department
22 of health services to operate a resource center under s. 46.283 and, if the department
23 contracts with the county under s. 46.283 (2), to operate the resource center.

24 **SECTION 23.** 46.215 (1) (s) of the statutes is amended to read:

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

5 **SECTION 24.** 46.215 (1m) of the statutes is amended to read:

6 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
7 ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
8 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
9 services or tribal agency acting under this section may exchange confidential
10 information about a client, without the informed consent of the client, with any other
11 subunit of the same county department of social services or tribal agency, with a
12 resource center, or a care management organization, or a long-term care district,
13 with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which
14 referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with
15 a person providing services to the client under a purchase of services contract with
16 the county department of social services or tribal agency or with a resource center,
17 or a care management organization, or a long-term care district, if necessary to
18 enable an employee or service provider to perform his or her duties, or to enable the
19 county department of social services or tribal agency to coordinate the delivery of
20 services to the client. An agency that releases information under this subsection
21 shall document that a request for information was received and what information
22 was provided.

23 **SECTION 25.** 46.215 (1p) of the statutes is amended to read:

24 46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
25 INFORMATION SYSTEM. Notwithstanding ss. ~~46.2895 (9)~~, 48.396 (1) and (2) (a), 48.78

1 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
2 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department
3 under this section may enter the content of any record kept or information received
4 by that county department into the statewide automated child welfare information
5 system established under s. 48.47 (7g).

6 **SECTION 26.** 46.22 (1) (b) 1. j. of the statutes is amended to read:

7 46.22 (1) (b) 1. j. If authorized under s. 46.283 (1) (a) ~~1~~, to apply to the
8 department of health services to operate a resource center under s. 46.283 and, if the
9 department contracts with the county under s. 46.283 (2), to operate the resource
10 center.

11 **SECTION 27.** 46.22 (1) (b) 1. k. of the statutes is amended to read:

12 46.22 (1) (b) 1. k. If authorized under s. 46.284 (1) (a) ~~1~~, to apply to the
13 department of health services to operate a care management organization under s.
14 46.284 and, if the department contracts with the county under s. 46.284 (2), to
15 operate the care management organization and, if appropriate, place funds in a risk
16 reserve.

17 **SECTION 28.** 46.22 (1) (dm) of the statutes is amended to read:

18 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
19 ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
20 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of social
21 services or tribal agency acting under this subsection may exchange confidential
22 information about a client, without the informed consent of the client, with any other
23 subunit of the same county department of social services or tribal agency, with a
24 resource center, or a care management organization, ~~or a long-term care district,~~
25 with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which

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

10 **SECTION 29.** 46.22 (1) (dp) of the statutes is amended to read:

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

18 **SECTION 30.** 46.23 (3) (e) of the statutes is amended to read:

19 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
20 ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
21 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a), a subunit of a county department of
22 human services or tribal agency acting under this section may exchange confidential
23 information about a client, without the informed consent of the client, with any other
24 subunit of the same county department of human services or tribal agency, with a
25 resource center, or a care management organization, or a long-term care district,

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

11 **SECTION 31.** 46.23 (3) (ed) of the statutes is amended to read:

12 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
13 *information system.* Notwithstanding ss. ~~46.2895 (9)~~, 48.396 (1) and (2) (a), 48.78 (2)
14 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
15 252.15, 253.07 (3) (c), 938.396 (1) (a) and (2), and 938.78 (2) (a), a county department
16 under this section may enter the content of any record kept or information received
17 by that county department into the statewide automated child welfare information
18 system established under s. 48.47 (7g).

19 **SECTION 32.** 46.27 (7) (fr) 3. c. of the statutes is repealed.

20 **SECTION 33.** 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), (c) 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 SECTION 34. 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.

13 SECTION 35. 46.2804 of the statutes is repealed.

****NOTE: As far as I understand s. 46.2804, it required a self-directed services option in Family Care. If that is correct, this provision is duplicated at s. 46.284 (4) (e) and I clarify in this draft that this is the self-directed services option. Therefore, I recommend repealing s. 46.2804 to eliminate confusion.

14 SECTION 36. 46.2805 (intro.) of the statutes is amended to read:

15 46.2805 Definitions; long-term care. (intro.) In ss. 46.2805 to 46.2895
16 46.288:

17 SECTION 37. 46.2805 (1) (intro.) of the statutes is renumbered 46.2805 (1) and
18 amended to read:

19 46.2805 (1) (intro.) "Care management organization" means an entity that is
20 certified as meeting the requirements for a care management organization under s.
21 46.284 (3) and that has a contract under s. 46.284 (2). "~~Care management~~
22 ~~organization" does not mean an entity that contracts with the department to operate~~
23 one of the following:

****NOTE: I believe the existing definition for "care management organization" (CMO) is problematic and an improper definition. Under the current definition a CMO may only operate family care, and an entity that operates Pace or Family Care Partnership or a combination of those programs and family care is, by definition, not a CMO. Arguably the current statutes then do not apply to an entity that operates family care and either Pace or Family Care Partnership. It seems that current CMOs often operate more than one program, so this draft repeals the exception in the current definition. If further clarification is needed that certain statutes only apply to the operation of family care, I can add that clarification.

1 SECTION 38. 46.2805 (1) (a) of the statutes is repealed.

2 SECTION 39. 46.2805 (1) (b) of the statutes is repealed.

3 SECTION 40. 46.2805 (4) of the statutes is amended to read:

4 46.2805 (4) "Family care benefit" means financial assistance for long-term
 5 care and support items for an enrollee and any financial assistance, as specified by
 6 the department, for primary and acute care services for an enrollee.

unders. 49.46 (2)

7 SECTION 41. 46.2805 (4k) of the statutes is created to read:

8 46.2805 (4k) "Family Care Partnership Program" means an integrated health
 9 and long-term care program operated under an amendment to the state Medical
 10 Assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 1396n (c).

11 SECTION 42. 46.2805 (4m) of the statutes is created to read:

12 46.2805 (4m) "Family care program" means the program under s. 46.2805 to
13 46.2895 that provides the family care benefit.

14 SECTION 43. 46.2805 (4m) of the statutes, as created by 2015 Wisconsin Act
15 (this act), is amended to read:

16 46.2805 (4m) "Family care program" means the program under s. 46.2805 to
17 ~~46.2895~~ 46.288 that provides the family care benefit.

18 SECTION 44. 46.2805 (7r) of the statutes is repealed.

19 SECTION 45. 46.2805 (7u) of the statutes is repealed.

20 SECTION 46. 46.2805 (9m) of the statutes is created to read:

1 46.2805 (9m) “Program of all-inclusive care for the elderly” means an
2 integrated health and long-term care program operated under 42 USC 1395eee or
3 1396u-4.

4 **SECTION 47.** 46.2805 (10m) of the statutes is amended to read:

5 46.2805 (10m) “Self-directed services option” means the option in the family
6 care program that is operated under a waiver from the secretary of the federal
7 department of health and human services under 42 USC 1396n (e) in which an
8 enrolled individual selects his or her own services and service providers.

9 **SECTION 48.** 46.281 (1d) of the statutes is amended to read:

10 46.281 (1d) **WAIVER REQUEST.** The department shall request from the secretary
11 of the federal department of health and human services any waivers of federal
12 medicaid laws necessary to permit the use of federal moneys to provide the family
13 care benefit to recipients of medical assistance. The department shall implement
14 any waiver that is approved and that is consistent with ss. 46.2805 to ~~46.2895~~ 46.288.
15 Regardless of whether a waiver is approved, the department may implement
16 operation of resource centers, care management organizations, and the family care
17 benefit.

18 **SECTION 49.** 46.281 (1g) (a) of the statutes is renumbered 46.281 (1g) and
19 amended to read:

20 46.281 (1g) **CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT**
21 **ORGANIZATIONS.** ~~Subject to par. (b), the~~ The department may contract with entities as
22 provided under s. 46.283 (2) to provide the services under s. 46.283 (3) and (4) as
23 resource centers in any geographic area in the state, and may contract with entities
24 as provided under s. 46.284 (2) to administer the family care benefit as care
25 management organizations ~~in any geographic area in the state.~~

1 **SECTION 50.** 46.281 (1g) (b) of the statutes is repealed.

2 **SECTION 51.** 46.281 (1n) (b) 3. of the statutes is amended to read:

3 46.281 (1n) (b) 3. Conduct ongoing evaluations of managed care programs for
4 provision of long-term care services that are funded by medical assistance, as
5 defined in s. 46.278 (1m) (b), as to client access to services, the availability of client
6 choice of living and service options, quality of care, and cost-effectiveness. In
7 evaluating the availability of client choice, the department shall evaluate the
8 opportunity for a client to arrange for, manage, and monitor his or her family care
9 benefit directly or with assistance, self-directed services option as specified in s.
10 46.284 (4) (e).

11 **SECTION 52.** 46.281 (1n) (b) 4. of the statutes is amended to read:

12 46.281 (1n) (b) 4. Require that quality assurance and quality improvement
13 efforts be included throughout the long-term care system specified in ss. 46.2805 to
14 46.2895 family care program.

15 **SECTION 53.** 46.281 (4) (c) of the statutes is amended to read:

16 46.281 (4) (c) Each county in which the department has a contract with an
17 entity to administer the family care benefit, and in which the department had such
18 a contract before January 1, 2006, shall annually either pay the department or agree
19 to reduce the community aids distribution to the county under s. 46.40 (2) by the
20 amount that the county paid the department, or by which the county's community
21 aids distribution was reduced, in calendar year 2006 to fund the family care program
22 ~~under ss. 46.2805 to 46.2895.~~

23 **SECTION 54.** 46.2825 (2) (a) of the statutes is amended to read:

24 46.2825 (2) (a) Evaluate the performance of care management organizations
25 and entities that operate a the program described under s. 46.2805 (1) (a) or (b) of

1 all-inclusive care for the elderly or the Family Care Partnership Program in the
2 committee's region with respect to responsiveness to recipients of their services,
3 fostering choices for recipients, and other issues affecting recipients; and make
4 recommendations based on the evaluation to the department and to the care
5 management organizations and entities, as appropriate.

6 **SECTION 55.** 46.2825 (2) (c) of the statutes is amended to read:

7 46.2825 (2) (c) Monitor grievances and appeals made to care management
8 organizations or entities that operate ~~a- the program described under s. 46.2805 (1)~~
9 ~~(a) or (b)~~ of all-inclusive care for the elderly or the Family Care Partnership Program
10 within the committee's region.

11 **SECTION 56.** 46.283 (1) (a) (intro.) and 1. of the statutes are consolidated,
12 renumbered 46.283 (1) (a) and amended to read:

13 46.283 (1) (a) A county board of supervisors and, in a county with a county
14 executive or a county administrator, the county executive or county administrator,
15 may decide ~~all of the following:~~ 1. Whether ~~whether~~ to authorize one or more county
16 departments under s. 46.21, 46.215, 46.22 or 46.23 or an aging unit under s. 46.82
17 (1) (a) 1., 2., or 3. to apply to the department for a contract to operate a resource center
18 and, if so, which to authorize and what client group to serve.

****NOTE: Please note that every budget draft is drafted independently from other budget draft requests. This draft assumes that aging and disability resource centers will operate similar to the way they operate currently and on a regional basis. If this draft and BB0359 will both be included in the budget, they will be reconciled at a later time.

19 **SECTION 57.** 46.283 (1) (a) 2. of the statutes is repealed.

20 **SECTION 58.** 46.283 (2) (intro.) of the statutes is amended to read:

21 46.283 (2) **EXCLUSIVE CONTRACT.** (intro.) The department may contract to
22 operate a resource center with counties, ~~long-term care districts~~, or the governing
23 body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under a joint

1 application of any of these, or with a private nonprofit organization if the department
2 determines that the organization has no significant connection to an entity that
3 operates a care management organization and if any of the following applies:

4 **SECTION 59.** 46.283 (2) (b) of the statutes is amended to read:

5 46.283 (2) (b) A county agency ~~or a long-term care district~~ applies for a contract
6 but fails to meet the standards specified in sub. (3).

7 **SECTION 60.** 46.283 (3) (e) of the statutes is amended to read:

8 46.283 (3) (e) A determination of financial eligibility and of the maximum
9 amount of cost sharing required for a person who is seeking long-term care services
10 or the family care benefit, under standards prescribed by the department.

11 **SECTION 61.** 46.283 (4) (f) of the statutes is amended to read:

12 46.283 (4) (f) Perform a functional screening and a financial and cost-sharing
13 screening for any resident, as specified in par. (e), who requests a screening and
14 assist any resident who is eligible and chooses to enroll in a care management
15 organization ~~or the self-directed services option~~ to do so.

16 **SECTION 62.** 46.283 (6) (a) 2. of the statutes is amended to read:

17 46.283 (6) (a) 2. At least one-fourth of the members of the governing board shall
18 be individuals who belong to a client group served by the resource center or their
19 family members, guardians, or other advocates. The proportion of these board
20 members who belong to each client group, or their family members, guardians, or
21 advocates, shall be the same, respectively, as the proportion of individuals in this
22 state who receive services under ~~s. 46.2805 to 46.2895~~ the family care program and
23 belong to each client group.

24 **SECTION 63.** 46.283 (6) (a) 3. of the statutes is amended to read:

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

9 **SECTION 64.** 46.283 (7) (a) of the statutes is amended to read:

10 46.283 (7) (a) A resource center may provide information as required to comply
11 with s. 16.009 (2) (p) or 49.45 (4) or as necessary for the department to administer
12 the family care program under ~~ss. 46.2805 to 46.2895~~.

13 **SECTION 65.** 46.283 (7) (b) of the statutes is amended to read:

14 46.283 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45
15 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a resource center
16 acting under this section may exchange confidential information about a client, as
17 defined in s. 46.287 (1), without the informed consent of the client, under s. 46.21
18 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284 (7), ~~46.2895 (10)~~, 51.42 (3)
19 (e) or 51.437 (4r) (b) in the county of the resource center, if necessary to enable the
20 resource center to perform its duties or to coordinate the delivery of services to the
21 client.

22 **SECTION 66.** 46.284 (1) (a) (intro.) and 1. of the statutes are consolidated,
23 renumbered 46.284 (1) (a) and amended to read:

24 46.284 (1) (a) A county board of supervisors and, in a county with a county
25 executive or a county administrator, the county executive or county administrator,

1 may decide ~~all of the following:~~ 1. ~~Whether~~ whether to authorize one or more county
2 departments under s. 46.21, 46.215, 46.22 or 46.23 or an aging unit under s. 46.82
3 (1) (a) 1. or 2. to apply to the department for a contract to operate a care management
4 organization and, if so, which to authorize and what client group to serve.

5 **SECTION 67.** 46.284 (1) (a) 2. of the statutes is repealed.

6 **SECTION 68.** 46.284 (2) (a) of the statutes is amended to read:

7 46.284 (2) (a) The department may contract for operation of a care
8 management organization only with an entity that is certified by the department as
9 meeting the requirements under sub. (3). No entity may operate as a care
10 management organization under the requirements of this section unless so certified
11 and under contract with the department.

12 **SECTION 69.** 46.284 (2) (bm) of the statutes is amended to read:

13 46.284 (2) (bm) The department may contract with counties, long-term care
14 districts, the governing body of a tribe or band or the Great Lakes inter-tribal
15 council, inc., or under a joint application of any of these, or with a private
16 organization that has no significant connection to an entity that operates a resource
17 center. ~~Proposals for contracts under this subdivision shall be solicited under a~~
18 ~~competitive sealed proposal process under s. 16.75 (2m) and the department shall~~
19 ~~evaluate the proposals primarily as to the quality of care that is proposed to be~~
20 ~~provided, certify those~~ The department may contract with any applicants that meet
21 it certifies as meeting the requirements specified in sub. (3) (a), ~~select certified~~
22 ~~applicants for contract and contract with the selected applicants. The department is~~
23 not required to solicit proposals for contracts to be a care management organization
24 under a competitive sealed proposal process.

1 SECTION 70. 46.284 (2) (bm) of the statutes, as affected by 2015 Wisconsin Act
2 (this act), is amended to read:

3 46.284 (2) (bm) The department may contract with counties, ~~long-term care~~
4 ~~districts~~, the governing body of a tribe or band or the Great Lakes inter-tribal
5 council, inc., or under a joint application of any of these, or with a private
6 organization that has no significant connection to an entity that operates a resource
7 center. The department may contract with any applicants that it certifies as meeting
8 the requirements specified in sub. (3) (a). The department is not required to solicit
9 proposals for contracts to be a care management organization under a competitive
10 sealed proposal process.

11 SECTION 71. 46.284 (2) (c) of the statutes is amended to read:

12 46.284 (2) (c) The department shall require, as a term of any contract with a
13 care management organization under this section, that the care management
14 organization contract for the provision of services that are covered under the family
15 care benefit with any community-based residential facility under s. 50.01 (1g),
16 residential care apartment complex under s. 50.01 (6d), nursing home under s. 50.01
17 (3), intermediate care facility for persons with an intellectual disability under s.
18 50.14 (1) (b), community rehabilitation program, home health agency under s. 50.49
19 (1) (a), provider of day services, or provider of personal care, as defined in s. 50.01
20 (4o), that agrees to accept the reimbursement rate that the care management
21 organization pays under contract to similar providers for the same service and that
22 satisfies any applicable quality of care, utilization, or other criteria that the care
23 management organization requires of other providers with which it contracts to
24 provide the same service. If the department chooses to provide primary and acute

25 care services as part of the family care benefit, the department shall require, as a
health under s. 49.46(2)

1 term of any contract with a care management organization under this section, that
2 the care management organization contract for the provision of services that are
3 covered under the family care benefit with a Medical Assistance certified provider
4 that agrees to accept the reimbursement rate that the care management
5 organization pays under contract to similar providers for the same service and that
6 satisfies any applicable quality of care, utilization, or other criteria that the care
7 management organization requires of other providers with which it contracts to
8 provide the same service.

9 SECTION 72. 46.284 (3) (b) 10. of the statutes is amended to read:

10 46.284 (3) (b) 10. Coverage statewide or for a geographic area specified by the
11 department if the department grants the applicant an exception to statewide
12 coverage.

13 SECTION 73. 46.284 (3) (b) 11. of the statutes is amended to read:

14 46.284 (3) (b) 11. The ability to develop strong linkages with systems and
15 services that are not directly within the scope of the applicant's responsibility but
16 that are important to the target group that it proposes to serve, ~~including.~~

17 11m. If the department chooses to make primary and acute health care services
18 part of the family care benefit, the ability to provide or provide access to primary and
19 acute health care services as determined by the department.

under s. 49.46(2)

20 SECTION 74. 46.284 (3m) of the statutes is repealed.

21 SECTION 75. 46.284 (4) (e) of the statutes is amended to read:

22 46.284 (4) (e) Provide, within guidelines established by the department, a
23 ~~mechanism~~ self-directed services option by which an enrollee may arrange for,
24 manage, and monitor his or her family care benefit directly or with the assistance of
25 another person chosen by the enrollee. The care management organization shall

1 provide each enrollee with a form on which the enrollee shall indicate whether he or
2 she has been offered the self-directed services option under this paragraph and
3 whether he or she has accepted or declined the self-directed services option. If the
4 enrollee accepts the option, the care management organization shall monitor the
5 enrollee's use of a fixed budget for purchase of services or support items from any
6 qualified provider, monitor the health and safety of the enrollee, and provide
7 assistance in management of the enrollee's budget and services at a level tailored to
8 the enrollee's need and desire for the assistance.

****NOTE: Please advise if s. 46.284 (4) (e) is not sufficient to substitute for the current IRIS program.

9 SECTION 76. 46.284 (5) (d) 4. of the statutes is amended to read:

10 46.284 (5) (d) 4. The requirement that a care management organization place
11 funds in a risk reserve and maintain the risk reserve in an interest-bearing escrow
12 account with a financial institution, as defined in s. 69.30 (1) (b), ~~or invest funds as~~
13 ~~specified in s. 46.2895 (4) (j) 2. or 3.~~ Moneys in the risk reserve or invested as specified
14 in this subdivision may be expended only for the provision of services under this
15 section. If a care management organization ceases participation under this section,
16 the funds in the risk reserve or invested as specified in this subdivision, minus any
17 contribution of moneys other than those specified in par. (c), shall be returned to the
18 department. The department shall expend the moneys for the payment of
19 outstanding debts to providers of family care benefit services and for the
20 continuation of family care benefit services to enrollees.

****NOTE: Please note that this draft eliminates the insurance provisions in ch. 648 but retains the funding and risk-sharing provisions in s. 46.284 (5). Please advise if you want those funding and risk-sharing provisions removed or altered.

21 SECTION 77. 46.284 (6) of the statutes is amended to read:

1 46.284 (6) GOVERNING BOARD. A care management organization shall have a
2 governing board that reflects the ethnic and economic diversity of the geographic
3 area served by the care management organization. At least one-fourth of the
4 members of the governing board shall be representative of the ~~client group or groups~~
5 ~~whom the care management organization is contracted to serve or those clients'~~
6 enrollees or the enrollees' family members, guardians, or other advocates.

7 SECTION 78. 46.284 (7) (a) of the statutes is amended to read:

8 46.284 (7) (a) A care management organization may provide information as
9 required to comply with s. 16.009 (2) (p) or 49.45 (4) or as necessary for the
10 department to administer the family care program ~~under ss. 46.2805 to 46.2895.~~

11 SECTION 79. 46.284 (7) (b) of the statutes is amended to read:

12 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45
13 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care
14 management organization acting under this section may exchange confidential
15 information about a client, as defined in s. 46.287 (1), without the informed consent
16 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283
17 (7), ~~46.2895 (10)~~, 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management
18 organization, if necessary to enable the care management organization to perform
19 its duties or to coordinate the delivery of services to the client.

20 SECTION 80. 46.285 (intro.) of the statutes is amended to read:

21 **46.285 Operation of resource center and care management**
22 **organization.** (intro.) In order to meet federal requirements and assure federal
23 financial participation in funding of the family care benefit, a county, a tribe or band,
24 ~~a long term care district~~ or an organization, including a private, nonprofit

Insert 25-20

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

3 SECTION 81. 46.285 (2) of the statutes is ^{repealed.} amended to read:

Fix
Component

4 46.285 (2) The department may approve separation of the functions of a
5 resource center from those of a care management organization by a means other than
6 ~~creating a long-term care district under s. 46.2895~~ to serve either as a resource
7 center or as a care management organization.

8 SECTION 82. 46.286 (3g) of the statutes is created to read:

9 46.286 (3g) TRANSFERRING CARE MANAGEMENT ORGANIZATIONS. An enrollee may
10 transfer his or her enrollment to a different care management organization but only
11 during an open enrollment period specified by the department, unless the enrollee
12 meets an exception specified by the department.

13 SECTION 83. 46.2895 of the statutes is repealed.

14 SECTION 84. 46.2895 (1) (a) (intro.) of the statutes is amended to read:

15 46.2895 (1) (a) (intro.) ~~A~~ Except as provided in par. (f), a county, a tribe or band,
16 or any combination of counties or tribes or bands, may create a special purpose
17 district that is termed a "long-term care district", that is a local unit of government,
18 that is separate and distinct from, and independent of, the state and the county or
19 tribe or band that created it, and that has the powers and duties specified in this
20 section, if each county or tribe or band that participates in creating the district does
21 all of the following:

22 SECTION 85. 46.2895 (1) (a) 1. b. of the statutes is amended to read:

23 46.2895 (1) (a) 1. b. Specifies the long-term care district's primary purpose,
24 which shall be to operate, under contract with the department, a resource center
25 under s. 46.283, a care management organization under s. 46.284, or a program

1 ~~described under s. 46.2805 (1) (a) or (b) of all-inclusive care for the elderly or the~~
2 Family Care Partnership Program.

3 SECTION 86. 46.2895 (1) (c) of the statutes is amended to read:

4 46.2895 (1) (c) A long-term care district may not operate a care management
5 organization under s. 46.284 or a program ~~described under s. 46.2805 (1) (a) or (b)~~
6 of all-inclusive care for the elderly, or the Family Care Partnership Program if the
7 district operates a resource center under s. 46.283.

8 SECTION 87. 46.2895 (1) (f) of the statutes is created to read:

9 46.2895 (1) (f) No county, tribe, band, or combination of counties, tribes, or
10 bands, may create a long-term care district after June 30, 2015.

11 SECTION 88. 46.2895 (4) (intro.) of the statutes is amended to read:

12 46.2895 (4) POWERS. (intro.) Subject to sub. ~~subs.~~ (1) (c) and (12m), a long-term
13 care district has all the powers necessary or convenient to carry out the purposes and
14 provisions of the family care program ss. 46.2805 to 46.2895. In addition to all these
15 powers, a long-term care district may do all of the following:

16 SECTION 89. 46.2895 (4) (dm) of the statutes is amended to read:

17 46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the
18 department to operate ~~a- the program described under s. 46.2805 (1) (a) or (b) of~~
19 all-inclusive care for the elderly or the Family Care Partnership Program and
20 provide services related to the contracted services.

21 SECTION 90. 46.2895 (8) (a) (intro.) of the statutes is amended to read:

22 46.2895 (8) (a) (intro.) ~~A- Subject to sub. (12m), a long-term care district board~~
23 that is created at least in part by a county shall do all of the following:

24 SECTION 91. 46.2895 (12m) of the statutes is created to read:

1 46.2895 (12m) REQUIRED DISSOLUTION. A long-term care district that exists on
2 June 30, 2015, shall dissolve under the procedures in sub. (13) before June 30, 2017,
3 or before a date established by the department, whichever is later.

4 **SECTION 92.** 46.2897 of the statutes is repealed.

5 **SECTION 93.** 46.2899 (1) of the statutes is repealed.

6 **SECTION 94.** 46.2899 (3) of the statutes is amended to read:

7 46.2899 (3) ELIGIBILITY. The department shall consider as eligible for the
8 waiver program described under sub. (2) only individuals who are receiving
9 post-secondary education in a setting that is distinguishable from the institution.
10 The department shall set the financial eligibility requirements and functional
11 eligibility requirements for the waiver program described under sub. (2) the same as
12 the financial eligibility requirements and functional eligibility requirements for the
13 self-directed services option of the family care program, as defined in s. 46.2805
14 (4m), except for the requirement to be an individual who is developmentally disabled
15 and who is receiving post-secondary education on the grounds of a institution.

16 **SECTION 95.** 46.2899 (4) of the statutes is amended to read:

17 46.2899 (4) SERVICES AND BENEFITS. The department shall provide the same
18 services under the waiver program described in sub. (2) as it provides under the
19 self-directed services option of the family care program, as defined in s. 46.2805
20 (4m). The department shall determine the funding amount for a waiver program
21 participant under this section.

22 **SECTION 96.** 46.82 (3) (a) 19. of the statutes is amended to read:

23 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
24 under s. 46.283 (1) (a) ~~1~~, apply to the department to operate a resource center under

1 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate
2 the resource center.

3 **SECTION 97.** 46.82 (3) (a) 20. of the statutes is amended to read:

4 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
5 under s. 46.284 (1) (a) ~~1.~~, apply to the department to operate a care management
6 organization under s. 46.284 and, if the department contracts with the county under
7 s. 46.284 (2), operate the care management organization and, if appropriate, place
8 funds in a risk reserve.

9 **SECTION 98.** 48.47 (7g) of the statutes is amended to read:

10 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
11 a statewide automated child welfare information system. Notwithstanding ss.
12 ~~46.2895 (9)~~, 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
13 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and
14 (2), and 938.78 (2) (a), the department may enter the content of any record kept or
15 information received by the department into the statewide automated child welfare
16 information system, and a county department under s. 46.215, 46.22, or 46.23, the
17 department, or any other organization that has entered into an information sharing
18 and access agreement with the department or any of those county departments and
19 that has been approved for access to the statewide automated child welfare
20 information system by the department may have access to information that is
21 maintained in that system, if necessary to enable the county department,
22 department, or organization to perform its duties under this chapter, ch. 46, 51, 55,
23 or 938, or 42 USC 670 to 679b or to coordinate the delivery of services under this
24 chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department may also
25 transfer information that is maintained in the system to a court under s. 48.396 (3)

1 (bm), and the court and the director of state courts may allow access to that
2 information as provided in s. 48.396 (3) (c) 2.

3 **SECTION 99.** 49.475 (1) (e) 2. of the statutes is amended to read:

4 49.475 (1) (e) 2. An enrollee of the family care program, as defined in s. 46.2805
5 (4m).

6 **SECTION 100.** 49.496 (1) (bk) 2. of the statutes is repealed.

7 **SECTION 101.** 50.034 (6) of the statutes is amended to read:

8 50.034 (6) FUNDING. Funding for supportive, personal or nursing services that
9 a person who resides in a residential care apartment complex receives, other than
10 private or 3rd-party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277
11 (5) (e), except if the provider of the services is a certified medical assistance provider
12 under s. 49.45 or if the funding is provided ~~as a family care benefit under ss. the~~
13 family care program as defined in s. 46.2805 to 46.2895 (4m).

14 **SECTION 102.** 50.49 (6m) (b) of the statutes is amended to read:

15 50.49 (6m) (b) A program specified in s. 46.2805 ~~(1) (a)~~ (9m).

16 **SECTION 103.** 50.49 (6m) (c) of the statutes is amended to read:

17 50.49 (6m) (c) A demonstration program specified in s. 46.2805 ~~(1) (b)~~ (4k).

18 **SECTION 104.** 51.06 (8) (b) 6. of the statutes is amended to read:

19 51.06 (8) (b) 6. The extent of Medical Assistance provided to relocated or
20 diverted individuals that is in addition to Medical Assistance provided to the
21 individuals under s. 46.27 (11), 46.275, 46.277, or 46.278, ~~as a~~ under the family care
22 benefit under ss. program as defined in s. 46.2805 to 46.2895 (4m), or under any other
23 home-based or community-based program for which the department has received
24 a waiver under 42 USC 1396n (c).

25 **SECTION 105.** 51.42 (3) (ar) 17. of the statutes is amended to read:

1 51.42 (3) (ar) 17. If authorized under s. 46.283 (1) (a) ~~1~~, apply to the department
2 of health services to operate a resource center under s. 46.283 and, if the department
3 contracts with the county under s. 46.283 (2), operate the resource center.

4 **SECTION 106.** 51.42 (3) (ar) 18. of the statutes is amended to read:

5 51.42 (3) (ar) 18. If authorized under s. 46.284 (1) (a) ~~1~~, apply to the department
6 of health services to operate a care management organization under s. 46.284 and,
7 if the department contracts with the county under s. 46.284 (2), operate the care
8 management organization and, if appropriate, place funds in a risk reserve.

9 **SECTION 107.** 51.42 (3) (e) of the statutes is amended to read:

10 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. ~~46.2895 (9)~~, 48.78
11 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
12 (c), and 938.78 (2) (a), any subunit of a county department of community programs
13 or tribal agency acting under this section may exchange confidential information
14 about a client, without the informed consent of the client, with any other subunit of
15 the same county department of community programs or tribal agency, with a
16 resource center, or a care management organization, ~~or a long-term care district~~, or
17 with any person providing services to the client under a purchase of services contract
18 with the county department of community programs or tribal agency or with a
19 resource center, or care management organization, ~~or long-term care district~~, if
20 necessary to enable an employee or service provider to perform his or her duties, or
21 to enable the county department of community programs or tribal agency to
22 coordinate the delivery of services to the client. Any agency releasing information
23 under this paragraph shall document that a request was received and what
24 information was provided.

25 **SECTION 108.** 51.437 (4m) (n) of the statutes is amended to read:

1 51.437 (4m) (n) If authorized under s. 46.283 (1) (a) ~~1.~~, apply to the department
2 of health services to operate a resource center under s. 46.283 and, if the department
3 contracts with the county under s. 46.283 (2), operate the resource center.

4 **SECTION 109.** 51.437 (4m) (p) of the statutes is amended to read:

5 51.437 (4m) (p) If authorized under s. 46.284 (1) (a) ~~1.~~, apply to the department
6 of health services to operate a care management organization under s. 46.284 and,
7 if the department contracts with the county under s. 46.284 (2), operate the care
8 management organization and, if appropriate, place funds in a risk reserve.

9 **SECTION 110.** 51.437 (4r) (b) of the statutes is amended to read:

10 51.437 (4r) (b) Notwithstanding ss. ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83,
11 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a),
12 any subunit of a county department of developmental disabilities services or tribal
13 agency acting under this section may exchange confidential information about a
14 client, without the informed consent of the client, with any other subunit of the same
15 county department of developmental disabilities services or tribal agency, with a
16 resource center, or a care management organization, ~~or a long-term care district~~, or
17 with any person providing services to the client under a purchase of services contract
18 with the county department of developmental disabilities services or tribal agency
19 or with a resource center, or a care management organization, ~~or a long-term care~~
20 ~~district~~, if necessary to enable an employee or service provider to perform his or her
21 duties, or to enable the county department of developmental disabilities services or
22 tribal agency to coordinate the delivery of services to the client. Any agency releasing
23 information under this paragraph shall document that a request was received and
24 what information was provided.

25 **SECTION 111.** 66.0301 (1) (a) of the statutes is amended to read:

1 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
2 “municipality” means the state or any department or agency thereof, or any city,
3 village, town, county, school district, public library system, public inland lake
4 protection and rehabilitation district, sanitary district, farm drainage district,
5 metropolitan sewerage district, sewer utility district, solid waste management
6 system created under s. 59.70 (2), local exposition district created under subch. II of
7 ch. 229, local professional baseball park district created under subch. III of ch. 229,
8 local professional football stadium district created under subch. IV of ch. 229, local
9 cultural arts district created under subch. V of ch. 229, ~~long-term care district under~~
10 ~~s. 46.2895~~, water utility district, mosquito control district, municipal electric
11 company, county or city transit commission, commission created by contract under
12 this section, taxation district, regional planning commission, housing authority
13 created under s. 66.1201, redevelopment authority created under s. 66.1333,
14 community development authority created under s. 66.1335, or city-county health
15 department.

16 **SECTION 112.** 66.0506 (1) of the statutes is amended to read:

17 66.0506 (1) In this section, “local governmental unit” means any city, village,
18 town, county, metropolitan sewerage district, ~~long-term care district~~, local cultural
19 arts district under subch. V of ch. 229, or any other political subdivision of the state,
20 or instrumentality of one or more political subdivisions of the state.

21 **SECTION 113.** 66.0601 (1) (b) of the statutes is amended to read:

22 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town,
23 ~~long-term care district under s. 46.2895~~ or agency or subdivision of a city, village or
24 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic

1 or other medical facility for the performance of an abortion except those permitted
2 under and which are performed in accordance with s. 20.927.

3 **SECTION 114.** 66.0601 (1) (c) of the statutes is amended to read:

4 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
5 village, town, ~~long-term care district under s. 46.2895~~ or agency or subdivision of a
6 city, village or town may authorize payment of funds for a grant, subsidy or other
7 funding involving a pregnancy program, project or service if s. 20.9275 (2) applies to
8 the pregnancy program, project or service.

9 **SECTION 115.** 69.30 (1) (bd) of the statutes is repealed.

10 **SECTION 116.** 69.30 (2) of the statutes is amended to read:

11 69.30 (2) A financial institution, state agency, county department, Wisconsin
12 works agency, or service office ~~or long-term care district~~ or an employee of a financial
13 institution, state agency, county department, Wisconsin works agency, or service
14 office ~~or long-term care district~~ is not subject to s. 69.24 (1) (a) for copying a certified
15 copy of a vital record for use by the financial institution, state agency, county
16 department, Wisconsin works agency, or service office ~~or long-term care district~~,
17 including use under s. 45.04 (5), if the copy is marked "FOR ADMINISTRATIVE
18 USE".

19 **SECTION 117.** 70.11 (2) of the statutes is amended to read:

20 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
21 Property owned by any county, city, village, town, school district, technical college
22 district, public inland lake protection and rehabilitation district, metropolitan
23 sewerage district, municipal water district created under s. 198.22, joint local water
24 authority created under s. 66.0823, ~~long-term care district under s. 46.2895~~ or town
25 sanitary district; lands belonging to cities of any other state used for public parks;

1 land tax—deeded to any county or city before January 2; but any residence located
2 upon property owned by the county for park purposes that is rented out by the county
3 for a nonpark purpose shall not be exempt from taxation. Except as to land acquired
4 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after
5 August 17, 1961, to any such governmental unit or for its benefit while the grantor
6 or others for his or her benefit are permitted to occupy the land or part thereof in
7 consideration for the conveyance. Leasing the property exempt under this
8 subsection, regardless of the lessee and the use of the leasehold income, does not
9 render that property taxable.

10 **SECTION 118.** 71.26 (1) (b) of the statutes is amended to read:

11 71.26 (1) (b) *Political units.* Income received by the United States, the state
12 and all counties, cities, villages, towns, school districts, technical college districts,
13 joint local water authorities created under s. 66.0823, ~~long-term care districts under~~
14 ~~s. 46.2895~~ or other political units of this state.

15 **SECTION 119.** 101.01 (4) of the statutes is amended to read:

16 101.01 (4) “Employer” means any person, firm, corporation, state, county,
17 town, city, village, school district, sewer district, drainage district, ~~long-term care~~
18 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,
19 representative or other person having control or custody of any employment, place
20 of employment or of any employee.

21 **SECTION 120.** 102.01 (2) (d) of the statutes is amended to read:

22 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
23 district, sewer district, drainage district and ~~long-term care district~~ and other public
24 or quasi-public corporations.

25 **SECTION 121.** 102.04 (1) (a) of the statutes is amended to read:

1 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
2 district, drainage district, ~~long-term care district~~ and other public or quasi-public
3 corporations therein.

4 **SECTION 122.** 103.001 (6) of the statutes is amended to read:

5 103.001 (6) “Employer” means any person, firm, corporation, state, county,
6 town, city, village, school district, sewer district, drainage district, ~~long-term care~~
7 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,
8 representative or other person having control or custody of any employment, place
9 of employment or of any employee.

10 **SECTION 123.** 111.70 (1) (j) of the statutes is amended to read:

11 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
12 metropolitan sewerage district, school district, ~~long-term care district~~, local cultural
13 arts district created under subch. V of ch. 229, or any other political subdivision of
14 the state, or instrumentality of one or more political subdivisions of the state, that
15 engages the services of an employee and includes any person acting on behalf of a
16 municipal employer within the scope of the person’s authority, express or implied.

17 **SECTION 124.** 600.01 (1) (b) 10. a. of the statutes is renumbered 600.01 (1) (b)
18 10. amended to read:

19 600.01 (1) (b) 10. ~~Except as provided in subd. 10. b., long-term care services~~
20 Services funded by the family care benefit, as defined in s. 46.2805 (4), that are
21 provided by a care management organization that contracts with the department of
22 health services under s. 46.284 and enrolls only individuals who are eligible under
23 s. 46.286.

****NOTE: Under current law, s. 600.01 (1) (b) 10. exempts Family Care from the insurance statutes except for primary and acute services provided by care management organizations. Since this draft allows expansion of the family care benefit to primary and

acute care and eliminates other insurance regulation of family care, I've exempted all family care benefit services, even including primary and acute care, from regulation under the insurance statutes without a delayed effective date. Please consider if this complies with your intent.

1 SECTION 125. 600.01 (1) (b) 10. b. of the statutes is repealed.

2 SECTION 126. 632.745 (6) (a) 2m. of the statutes is repealed.

3 SECTION 127. Chapter 648 of the statutes is repealed.

4 SECTION 128. 985.01 (1g) of the statutes is amended to read:

5 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
6 ~~includes a long-term care district board under s. 46.2895.~~

7 SECTION 129. 985.01 (3) of the statutes is amended to read:

8 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) ~~and includes a~~
9 ~~long-term care district under s. 46.2895.~~

10 SECTION 9118. **Nonstatutory provisions; Health Services.**

11 (1) CHANGES TO FAMILY CARE PROGRAM.

12 (a) *Definitions.* In this subsection:

Insert 37-13/14

13 1. "Department" means the department of health services.

14 - #2. "Family care program" means the program under sections 46.2805 to
15 46.2895 of the statutes that provides the family care benefit as defined in section
16 46.2805 (4) of the statutes.

Insert 37-17

17 (b) *Waiver request; generally.* The department shall request any approval from
18 and shall submit any amendments or waiver requests to the federal department of
19 health and human services that are necessary to implement all of the following
20 changes to the family care program:

21 1. Administration by care management organizations of the family care
22 program statewide instead of by geographic region, unless the department allows the

the program of all-inclusive care for the elderly, or the Family Care Partnership program, including all of the following

1 care management organization a waiver to administer the family care benefit in a
2 specific geographic region.

3 2. Addition of any primary and acute ^{health} care services selected by the department
4 as a benefit under the family care program.

5 3. Selection under section 46.284 (2) (bm) of the statutes as a care management
6 organization of any applicant that the department certifies meets the qualifications
7 instead of using the competitive procurement process.

8 4. Requirement under section 46.286 (3g) of the statutes that an enrollee
9 change care management organizations only during an open enrollment period
10 specified by the department.

11 5. Prevention of the creation of new long-term care districts and dissolution of
12 existing long-term care districts under section 46.2895 of the statutes.

13 6. Elimination of the insurance requirements for care management
14 organizations under chapter 648 of the statutes.

15 (c) *Family care in all counties.* The department shall request any approval or
16 submit any waiver request necessary to the federal department of health and human
17 services to administer the family care program in every county in the state. If the
18 federal department of health and human services does not disapprove the request,
19 the department shall ensure that the family care program is available to eligible
20 residents of every county in the state by January 1, 2016, or by a date specified by
21 the department, whichever is later. If the department specifies a later date than
22 January 1, 2016, it shall submit a notice of that date to the legislative reference
23 bureau for publication in the Wisconsin Administrative Register.

24 (d) *Waiver request not approved; saving provision.* If the federal department
25 of health and human services does not approve of any request or submission of waiver

1 request under paragraph (b) or (c) the department may administer that portion of
2 the family care program under the applicable provision of sections 46.2805 to
3 46.2895, 2013 stats. *elect to discontinue*

4 (e) *Other long-term care programs discontinued.* If the federal department of
5 health and human services does not disapprove the request to administer the family
6 care program in every county in the state, *counties or* the department may *not* enroll
7 participants in or administer any of the programs under sections *46.27, 46.271,*
8 46.275, 46.277, 46.278, or 46.2785 of the statutes *after the date that the family care*
9 program is available to eligible residents of every county in the state under
10 paragraph (c). *at any time determined by the department that is*

ment of
ration of
***NOTE: Paragraph (e) is designed to discontinue the COP, CIP, and CORP programs when Family Care is available in all counties. Please consider whether you want those sections of the statutes repealed in this draft with a delayed effective date or if you want to wait until the next budget bill to repeal those sections.

11 **SECTION 9418. Effective dates; Health Services.**

12 (1) FAMILY CARE CHANGES; LONG-TERM CARE DISTRICTS; INSURANCE REGULATION. The
13 treatment of sections 13.94 (4) (a) 1. and (b), 17.15 (5), 17.27 (3m), 19.82 (1), 20.145
14 (1) (g) (intro.) and 3., 20.435 (4) (jt) and (kv), 20.927 (1m), 20.9275 (1) (b), 25.50 (1)
15 (d), 40.02 (28) and (36), 46.21 (2m) (c), 46.215 (1m) and (1p), 46.22 (1) (dm) and (dp),
16 46.23 (3) (e) and (ed), 46.27 (7) (fr) 3. c., 46.2805 (intro.), (7r), and (7u), 46.281 (1d),
17 46.283 (2) (intro.) and (b) and (7) (b), 46.284 (2) (bm) (by SECTION 70), (3m), (5) (d) 4.,
18 and (7) (b), 46.285 (intro.) *and (1)*, 48.47 (7g), 51.42 (3) (e), 51.437 (4r) (b), 66.0301 (1)
19 (a), 66.0506 (1), 66.0601 (1) (b) and (c), 69.30 (1) (bd) and (2), 70.11 (2), 71.26 (1) (b),
20 101.01 (4), 102.01 (2) (d), 102.04 (1) (a), 103.001 (6), 111.70 (1) (j), 632.745 (6) (a) 2m.,
21 and 985.01 (1g) and (3) and chapter 648 of the statutes, the repeal of section 46.2895

1 of the statutes, and the amendment of section 46.2805 (4m) of the statutes take effect
2 on July 1, 2018.

3 (END)



2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0972/P2ins
TJD:.....

1 **INSERT 5-10**

 ****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.

2 **END INSERT 5-10**

3 **INSERT 5-11**

 ****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 **END INSERT 5-11**

5 **INSERT 25-20**

6 **SECTION 1.** 46.285 (intro.) and (1) of the statutes are consolidated, renumbered
7 46.285 and amended to read:

8 **46.285 Operation of resource center and care management**
9 **organization.** In order to meet federal requirements and assure federal financial
10 participation in funding of the family care benefit, a county, a tribe or band, a
11 ~~long-term care district~~ or an organization, including a private, nonprofit
12 corporation, may not directly operate both a resource center and a care management
13 organization, except as follows: (1) ~~For~~ ^{that} for an entity with which the department has
14 contracted under s. 46.281 (1) (e) 1., 2005 stats., provision of the services specified
15 under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the provision
16 of services of the care management organization by January 1, 2001.

History: 1999 a. 9; 2005 a. 386; 2007 a. 20.

17 **END INSERT 25-20**

18 **INSERT 37-14**

19 [#]2. "Family Care Partnership Program" means an integrated health and
20 long-term care program operated under an amendment to the state Medical
21 Assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 4396n (c).

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1 **END INSERT 37-14**

2 **INSERT 37-17**

3 ~~#~~. "Program of all-inclusive care for the elderly" means an integrated health
4 and long-term care program operated under 42 USC 1395eee or 1396u-4.

5 **END INSERT 37-17**



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with automatic*

Dodge, Tamara

From: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>
Sent: Monday, January 26, 2015 2:01 PM
To: Dodge, Tamara
Subject: Family Care Draft 0972/P2

Hi Tammy –

In the Family Care draft 0972/P2, can you please delete the current law requirements under 46.284 (2)(c).

Thank you,
Cindy

Cynthia Dombrowski
Executive Policy and Budget Analyst
Wisconsin State Budget Office
608-267-7980 (p)
cynthia.dombrowski@wisconsin.gov