




# 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 III**

**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**



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0972(P2)

TJD:cjs:jm

P3

Stuffs

In: 1/26/15

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

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

Today

p. 22 only

Don't 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).

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),  
23 (jz), or (w) is made, to provide a portion of the state share of Medical Assistance  
24 program benefits administered under subch. IV of ch. 49; to provide a portion of the  
25 Badger Care health care program under s. 49.665; to provide a portion of the Medical

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

6 **SECTION 11.** 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.

7 **SECTION 12.** 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.

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

9 20.435 (7) (b) *Community aids and Medical Assistance payments.* The  
10 amounts in the schedule for human services under s. 46.40, to fund services provided  
11 by resource centers under s. 46.283 (5), for services under the family care benefit  
12 program under s. 46.284 (5), for Medical Assistance payment adjustments under s.  
13 49.45 (52) (a) for services described in s. 49.45 (52) (a) 1., for Medical Assistance  
14 payments under s. 49.45 (6tw), and for Medical Assistance payments under s. 49.45  
15 (53) for services described in s. 49.45 (53) that are provided before January 1, 2012.  
16 Social services disbursements under s. 46.03 (20) (b) may be made from this  
17 appropriation. Refunds received relating to payments made under s. 46.03 (20) (b)  
18 for the provision of services for which moneys are appropriated under this paragraph  
19 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and  
20 20.002 (1), the department of health services may transfer funds between fiscal years  
21 under this paragraph. The department shall deposit into this appropriation funds  
22 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), (cj) and (cm) and (11) (c) 5m. (intro.)  
2 and 6. and 46.277 (3) (a), (4) (a) and (5) (d) 1m., 1n. and 2. and rules promulgated  
3 under those provisions.

4 **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.

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:~~

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

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

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

2           46.2805 (4) “Family care benefit” means financial assistance for long-term  
3 care and support items for an enrollee and any financial assistance, as specified by  
4 the department, for primary and acute health care services under s. 49.46 (2) for an  
5 enrollee.

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

7           46.2805 (4k) “Family Care Partnership Program” means an integrated health  
8 and long-term care program operated under an amendment to the state Medical  
9 Assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 1396n (c).

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

11          46.2805 (4m) “Family care program” means the program under s. 46.2805 to  
12 46.2895 that provides the family care benefit.

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

15          46.2805 (4m) “Family care program” means the program under s. 46.2805 to  
16 ~~46.2895~~ 46.288 that provides the family care benefit.

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

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

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

20          46.2805 (9m) “Program of all-inclusive care for the elderly” means an  
21 integrated health and long-term care program operated under 42 USC 1395eee or  
22 1396u-4.

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

24          46.2805 (10m) “Self-directed services option” means the option in the family  
25 care program that is operated under a waiver from the secretary of the federal



1 ~~department of health and human services under 42 USC 1396n (e) in which an~~  
2 enrolled individual selects his or her own services and service providers.

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

4 46.281 (1d) WAIVER REQUEST. The department shall request from the secretary  
5 of the federal department of health and human services any waivers of federal  
6 medicaid laws necessary to permit the use of federal moneys to provide the family  
7 care benefit to recipients of medical assistance. The department shall implement  
8 any waiver that is approved and that is consistent with ss. 46.2805 to ~~46.2895~~ 46.288.  
9 Regardless of whether a waiver is approved, the department may implement  
10 operation of resource centers, care management organizations, and the family care  
11 benefit.

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

14 46.281 (1g) CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT  
15 ORGANIZATIONS. ~~Subject to par. (b), the~~ The department may contract with entities as  
16 provided under s. 46.283 (2) to provide the services under s. 46.283 (3) and (4) as  
17 resource centers in any geographic area in the state, and may contract with entities  
18 as provided under s. 46.284 (2) to administer the family care benefit as care  
19 management organizations ~~in any geographic area in the state.~~

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

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

22 46.281 (1n) (b) 3. Conduct ongoing evaluations of managed care programs for  
23 provision of long-term care services that are funded by medical assistance, as  
24 defined in s. 46.278 (1m) (b), as to client access to services, the availability of client  
25 choice of living and service options, quality of care, and cost-effectiveness. In

1 evaluating the availability of client choice, the department shall evaluate the  
2 opportunity for a client to arrange for, manage, and monitor his or her family care  
3 benefit directly or with assistance, self-directed services option as specified in s.  
4 46.284 (4) (e).

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

6 46.281 (1n) (b) 4. Require that quality assurance and quality improvement  
7 efforts be included throughout the long-term care system specified in ss. 46.2805 to  
8 46.2895 family care program.

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

10 46.281 (4) (c) Each county in which the department has a contract with an  
11 entity to administer the family care benefit, and in which the department had such  
12 a contract before January 1, 2006, shall annually either pay the department or agree  
13 to reduce the community aids distribution to the county under s. 46.40 (2) by the  
14 amount that the county paid the department, or by which the county's community  
15 aids distribution was reduced, in calendar year 2006 to fund the family care program  
16 under ss. 46.2805 to 46.2895.

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

18 46.2825 (2) (a) Evaluate the performance of care management organizations  
19 and entities that operate a the program described under s. 46.2805 (1) (a) or (b) of  
20 all-inclusive care for the elderly or the Family Care Partnership Program in the  
21 committee's region with respect to responsiveness to recipients of their services,  
22 fostering choices for recipients, and other issues affecting recipients; and make  
23 recommendations based on the evaluation to the department and to the care  
24 management organizations and entities, as appropriate.

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

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

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

7           46.283 (1) (a) A county board of supervisors and, in a county with a county  
8 executive or a county administrator, the county executive or county administrator,  
9 may decide ~~all of the following: 1. Whether~~ whether to authorize one or more county  
10 departments under s. 46.21, 46.215, 46.22 or 46.23 or an aging unit under s. 46.82  
11 (1) (a) 1., 2., or 3. to apply to the department for a contract to operate a resource center  
12 and, if so, which to authorize and what client group to serve.

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

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

15           46.283 (2) EXCLUSIVE CONTRACT. (intro.) The department may contract to  
16 operate a resource center with counties, ~~long-term care districts~~, or the governing  
17 body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under a joint  
18 application of any of these, or with a private nonprofit organization if the department  
19 determines that the organization has no significant connection to an entity that  
20 operates a care management organization and if any of the following applies:

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

22           46.283 (2) (b) A county agency ~~or a long-term care district~~ applies for a contract  
23 but fails to meet the standards specified in sub. (3).

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

1           46.283 (3) (e) A determination of financial eligibility and of the maximum  
2 amount of cost sharing required for a person who is seeking long-term care services  
3 or the family care benefit, under standards prescribed by the department.

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

5           46.283 (4) (f) Perform a functional screening and a financial and cost-sharing  
6 screening for any resident, as specified in par. (e), who requests a screening and  
7 assist any resident who is eligible and chooses to enroll in a care management  
8 organization ~~or the self-directed services option~~ to do so.

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

10           46.283 (6) (a) 2. At least one-fourth of the members of the governing board shall  
11 be individuals who belong to a client group served by the resource center or their  
12 family members, guardians, or other advocates. The proportion of these board  
13 members who belong to each client group, or their family members, guardians, or  
14 advocates, shall be the same, respectively, as the proportion of individuals in this  
15 state who receive services under ~~s. 46.2805 to 46.2895~~ the family care program and  
16 belong to each client group.

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

18           46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the  
19 governing board of, a care management organization or an organization that  
20 administers a program ~~described under s. 46.2805 (1) (a) or (b)~~ of all-inclusive care  
21 for the elderly or a Family Care Partnership Program or a managed care program  
22 under s. 49.45 for individuals who are eligible to receive supplemental security  
23 income under 42 USC 1381 to 1383c, which serves any geographic area also served  
24 by a resource center, and the individual's family members, may not serve as members  
25 of the governing board of the resource center.

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

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

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

6           46.283 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45  
7 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a resource center  
8 acting under this section may exchange confidential information about a client, as  
9 defined in s. 46.287 (1), without the informed consent of the client, under s. 46.21  
10 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.284 (7), ~~46.2895 (10)~~, 51.42 (3)  
11 (e) or 51.437 (4r) (b) in the county of the resource center, if necessary to enable the  
12 resource center to perform its duties or to coordinate the delivery of services to the  
13 client.

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

16           46.284 (1) (a) A county board of supervisors and, in a county with a county  
17 executive or a county administrator, the county executive or county administrator,  
18 may decide all of the following: ~~1. Whether~~ whether to authorize one or more county  
19 departments under s. 46.21, 46.215, 46.22 or 46.23 or an aging unit under s. 46.82  
20 (1) (a) 1. or 2. to apply to the department for a contract to operate a care management  
21 organization and, if so, which to authorize and what client group to serve.

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

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

24           46.284 (2) (a) The department may contract for operation of a care  
25 management organization only with an entity that is certified by the department as

1 meeting the requirements under sub. (3). No entity may operate as a care  
2 management organization under the requirements of this section unless so certified  
3 and under contract with the department.

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

5 46.284 (2) (bm) The department may contract with counties, long-term care  
6 districts, the governing body of a tribe or band or the Great Lakes inter-tribal  
7 council, inc., or under a joint application of any of these, or with a private  
8 organization that has no significant connection to an entity that operates a resource  
9 center. ~~Proposals for contracts under this subdivision shall be solicited under a~~  
10 ~~competitive sealed proposal process under s. 16.75 (2m) and the department shall~~  
11 ~~evaluate the proposals primarily as to the quality of care that is proposed to be~~  
12 ~~provided, certify those~~ The department may contract with any applicants that meet  
13 it certifies as meeting the requirements specified in sub. (3) (a), select certified  
14 applicants for contract and contract with the selected applicants. The department  
15 is not required to solicit proposals for contracts to be a care management  
16 organization under a competitive sealed proposal process.

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

19 46.284 (2) (bm) The department may contract with counties, long-term care  
20 districts, the governing body of a tribe or band or the Great Lakes inter-tribal  
21 council, inc., or under a joint application of any of these, or with a private  
22 organization that has no significant connection to an entity that operates a resource  
23 center. The department may contract with any applicants that it certifies as meeting  
24 the requirements specified in sub. (3) (a). The department is not required to solicit

1 proposals for contracts to be a care management organization under a competitive  
2 sealed proposal process.

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

4  
↓ repealed.

4 46.284 (2) (c) The department shall require, as a term of any contract with a  
5 care management organization under this section, that the care management  
6 organization contract for the provision of services that are covered under the family  
7 care benefit with any community-based residential facility under s. 50.01 (1g),  
8 residential care apartment complex under s. 50.01 (6d), nursing home under s. 50.01  
9 (3), intermediate care facility for persons with an intellectual disability under s.  
10 50.14 (1) (b), community rehabilitation program, home health agency under s. 50.49  
11 (1) (a), provider of day services, or provider of personal care, as defined in s. 50.01  
12 (4o), that agrees to accept the reimbursement rate that the care management  
13 organization pays under contract to similar providers for the same service and that  
14 satisfies any applicable quality of care, utilization, or other criteria that the care  
15 management organization requires of other providers with which it contracts to  
16 provide the same service. If the department chooses to provide primary and acute  
17 health care services under s. 49.46 (2) as part of the family care benefit, the  
18 department shall require, as a term of any contract with a care management  
19 organization under this section, that the care management organization contract for  
20 the provision of services that are covered under the family care benefit with a  
21 Medical Assistance certified provider that agrees to accept the reimbursement rate  
22 that the care management organization pays under contract to similar providers for  
23 the same service and that satisfies any applicable quality of care, utilization, or other  
24 criteria that the care management organization requires of other providers with  
25 which it contracts to provide the same service.

e

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

2           46.284 (3) (b) 10. Coverage statewide or for a geographic area specified by the  
3 department if the department grants the applicant an exception to statewide  
4 coverage.

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

6           46.284 (3) (b) 11. The ability to develop strong linkages with systems and  
7 services that are not directly within the scope of the applicant’s responsibility but  
8 that are important to the target group that it proposes to serve, including:

9           11m. If the department chooses to make primary and acute health care services  
10 part of the family care benefit, the ability to provide or provide access to primary and  
11 acute health care services under s. 49.46 (2) as determined by the department.

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

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

14           46.284 (4) (e) Provide, within guidelines established by the department, a  
15 ~~mechanism~~ self-directed services option by which an enrollee may arrange for,  
16 manage, and monitor his or her family care benefit directly or with the assistance of  
17 another person chosen by the enrollee. The care management organization shall  
18 provide each enrollee with a form on which the enrollee shall indicate whether he or  
19 she has been offered the self-directed services option under this paragraph and  
20 whether he or she has accepted or declined the self-directed services option. If the  
21 enrollee accepts the option, the care management organization shall monitor the  
22 enrollee’s use of a fixed budget for purchase of services or support items from any  
23 qualified provider, monitor the health and safety of the enrollee, and provide  
24 assistance in management of the enrollee’s budget and services at a level tailored to  
25 the enrollee’s need and desire for the assistance.



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

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

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

14           46.284 (6) GOVERNING BOARD. A care management organization shall have a  
15 governing board that reflects the ethnic and economic diversity of the geographic  
16 area served by the care management organization. At least one-fourth of the  
17 members of the governing board shall be representative of the ~~client group or groups~~  
18 ~~whom the care management organization is contracted to serve or those clients'~~  
19 enrollees or the enrollees' family members, guardians, or other advocates.

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

21           46.284 (7) (a) A care management organization may provide information as  
22 required to comply with s. 16.009 (2) (p) or 49.45 (4) or as necessary for the  
23 department to administer the family care program ~~under ss. 46.2805 to 46.2895.~~

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

1           46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45  
2           (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care  
3           management organization acting under this section may exchange confidential  
4           information about a client, as defined in s. 46.287 (1), without the informed consent  
5           of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283  
6           (7), ~~46.2895 (10)~~, 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management  
7           organization, if necessary to enable the care management organization to perform  
8           its duties or to coordinate the delivery of services to the client.

9           **SECTION 80.** 46.285 (intro.) and (1) of the statutes are consolidated,  
10          renumbered 46.285 and amended to read:

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

20          **SECTION 81.** 46.285 (2) of the statutes is repealed.

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

22          **46.286 (3g) TRANSFERRING CARE MANAGEMENT ORGANIZATIONS.** An enrollee may  
23          transfer his or her enrollment to a different care management organization but only  
24          during an open enrollment period specified by the department, unless the enrollee  
25          meets an exception specified by the department.

1           **SECTION 83.** 46.2895 of the statutes is repealed.

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

3           46.2895 (1) (a) (intro.) ~~A- Except as provided in par. (f),~~ a county, a tribe or band,  
4 or any combination of counties or tribes or bands, may create a special purpose  
5 district that is termed a “long-term care district”, that is a local unit of government,  
6 that is separate and distinct from, and independent of, the state and the county or  
7 tribe or band that created it, and that has the powers and duties specified in this  
8 section, if each county or tribe or band that participates in creating the district does  
9 all of the following:

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

11           46.2895 (1) (a) 1. b. Specifies the long-term care district’s primary purpose,  
12 which shall be to operate, under contract with the department, a resource center  
13 under s. 46.283, a care management organization under s. 46.284, or a program  
14 ~~described under s. 46.2805 (1) (a) or (b)~~ of all-inclusive care for the elderly or the  
15 Family Care Partnership Program.

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

17           46.2895 (1) (c) A long-term care district may not operate a care management  
18 organization under s. 46.284 ~~or,~~ a program ~~described under s. 46.2805 (1) (a) or (b)~~  
19 of all-inclusive care for the elderly, or the Family Care Partnership Program if the  
20 district operates a resource center under s. 46.283.

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

22           46.2895 (1) (f) No county, tribe, band, or combination of counties, tribes, or  
23 bands, may create a long-term care district after June 30, 2015.

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

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

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

6           46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the  
7 department to operate ~~a- the program described under s. 46.2805 (1) (a) or (b) of~~  
8 all-inclusive care for the elderly or the Family Care Partnership Program and  
9 provide services related to the contracted services.

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

11          46.2895 (8) (a) (intro.) ~~A- Subject to sub. (12m),~~ a long-term care district board  
12 that is created at least in part by a county shall do all of the following:

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

14          46.2895 (12m) REQUIRED DISSOLUTION. A long-term care district that exists on  
15 June 30, 2015, shall dissolve under the procedures in sub. (13) before June 30, 2017,  
16 or before a date established by the department, whichever is later.

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

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

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

20          46.2899 (3) ELIGIBILITY. The department shall consider as eligible for the  
21 waiver program described under sub. (2) only individuals who are receiving  
22 post-secondary education in a setting that is distinguishable from the institution.  
23 The department shall set the financial eligibility requirements and functional  
24 eligibility requirements for the waiver program described under sub. (2) the same as  
25 the financial eligibility requirements and functional eligibility requirements for the

1 self-directed services option of the family care program, as defined in s. 46.2805  
2 (4m), except for the requirement to be an individual who is developmentally disabled  
3 and who is receiving post-secondary education on the grounds of a institution.

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

5 46.2899 (4) SERVICES AND BENEFITS. The department shall provide the same  
6 services under the waiver program described in sub. (2) as it provides under the  
7 self-directed services option of the family care program, as defined in s. 46.2805  
8 (4m). The department shall determine the funding amount for a waiver program  
9 participant under this section.

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

11 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized  
12 under s. 46.283 (1) (a) ~~1.~~, apply to the department to operate a resource center under  
13 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate  
14 the resource center.

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

16 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized  
17 under s. 46.284 (1) (a) ~~1.~~, apply to the department to operate a care management  
18 organization under s. 46.284 and, if the department contracts with the county under  
19 s. 46.284 (2), operate the care management organization and, if appropriate, place  
20 funds in a risk reserve.

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

22 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish  
23 a statewide automated child welfare information system. Notwithstanding ss.  
24 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,  
25 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and

1 (2), and 938.78 (2) (a), the department may enter the content of any record kept or  
2 information received by the department into the statewide automated child welfare  
3 information system, and a county department under s. 46.215, 46.22, or 46.23, the  
4 department, or any other organization that has entered into an information sharing  
5 and access agreement with the department or any of those county departments and  
6 that has been approved for access to the statewide automated child welfare  
7 information system by the department may have access to information that is  
8 maintained in that system, if necessary to enable the county department,  
9 department, or organization to perform its duties under this chapter, ch. 46, 51, 55,  
10 or 938, or 42 USC 670 to 679b or to coordinate the delivery of services under this  
11 chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department may also  
12 transfer information that is maintained in the system to a court under s. 48.396 (3)  
13 (bm), and the court and the director of state courts may allow access to that  
14 information as provided in s. 48.396 (3) (c) 2.

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

16 49.475 (1) (e) 2. An enrollee of the family care program, as defined in s. 46.2805  
17 (4m).

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

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

20 50.034 (6) FUNDING. Funding for supportive, personal or nursing services that  
21 a person who resides in a residential care apartment complex receives, other than  
22 private or 3rd-party funding, may be provided only under s. 46.27 (11) (c) 7. or 46.277  
23 (5) (e), except if the provider of the services is a certified medical assistance provider  
24 under s. 49.45 or if the funding is provided as a family care benefit under ~~ss. the~~ the  
25 family care program as defined in s. 46.2805 to 46.2895 (4m).

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

2           50.49 **(6m)** (b) A program specified in s. 46.2805 ~~(1)(a)~~ **(9m)**.

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

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

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

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

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

13           51.42 **(3)** (ar) 17. If authorized under s. 46.283 (1) (a) ~~1.~~, apply to the department  
14 of health services to operate a resource center under s. 46.283 and, if the department  
15 contracts with the county under s. 46.283 (2), operate the resource center.

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

17           51.42 **(3)** (ar) 18. If authorized under s. 46.284 (1) (a) ~~1.~~, apply to the department  
18 of health services to operate a care management organization under s. 46.284 and,  
19 if the department contracts with the county under s. 46.284 (2), operate the care  
20 management organization and, if appropriate, place funds in a risk reserve.

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

22           51.42 **(3)** (e) *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), 253.07 (3)  
24 (c), and 938.78 (2) (a), any subunit of a county department of community programs  
25 or tribal agency acting under this section may exchange confidential information

1 about a client, without the informed consent of the client, with any other subunit of  
2 the same county department of community programs or tribal agency, with a  
3 resource center, or a care management organization, ~~or a long-term care district~~, or  
4 with any person providing services to the client under a purchase of services contract  
5 with the county department of community programs or tribal agency or with a  
6 resource center, or care management organization, ~~or long-term care district~~, if  
7 necessary to enable an employee or service provider to perform his or her duties, or  
8 to enable the county department of community programs or tribal agency to  
9 coordinate the delivery of services to the client. Any agency releasing information  
10 under this paragraph shall document that a request was received and what  
11 information was provided.

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

13 51.437 (4m) (n) If authorized under s. 46.283 (1) (a) ~~1.~~, apply to the department  
14 of health services to operate a resource center under s. 46.283 and, if the department  
15 contracts with the county under s. 46.283 (2), operate the resource center.

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

17 51.437 (4m) (p) If authorized under s. 46.284 (1) (a) ~~1.~~, apply to the department  
18 of health services to operate a care management organization under s. 46.284 and,  
19 if the department contracts with the county under s. 46.284 (2), operate the care  
20 management organization and, if appropriate, place funds in a risk reserve.

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

22 51.437 (4r) (b) Notwithstanding ss. ~~46.2895 (9)~~, 48.78 (2) (a), 49.45 (4), 49.83,  
23 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c), and 938.78 (2) (a),  
24 any subunit of a county department of developmental disabilities services or tribal  
25 agency acting under this section may exchange confidential information about a



1 client, without the informed consent of the client, with any other subunit of the same  
2 county department of developmental disabilities services or tribal agency, with a  
3 resource center, or a care management organization, ~~or a long-term care district~~, or  
4 with any person providing services to the client under a purchase of services contract  
5 with the county department of developmental disabilities services or tribal agency  
6 or with a resource center, or a care management organization, ~~or a long-term care~~  
7 ~~district~~, if necessary to enable an employee or service provider to perform his or her  
8 duties, or to enable the county department of developmental disabilities services or  
9 tribal agency to coordinate the delivery of services to the client. Any agency releasing  
10 information under this paragraph shall document that a request was received and  
11 what information was provided.

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

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

1 community development authority created under s. 66.1335, or city–county health  
2 department.

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

4 66.0506 (1) In this section, “local governmental unit” means any city, village,  
5 town, county, metropolitan sewerage district, ~~long-term care district~~, local cultural  
6 arts district under subch. V of ch. 229, or any other political subdivision of the state,  
7 or instrumentality of one or more political subdivisions of the state.

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

9 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town,  
10 ~~long-term care district under s. 46.2895~~ or agency or subdivision of a city, village or  
11 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic  
12 or other medical facility for the performance of an abortion except those permitted  
13 under and which are performed in accordance with s. 20.927.

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

15 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,  
16 village, town, ~~long-term care district under s. 46.2895~~ or agency or subdivision of a  
17 city, village or town may authorize payment of funds for a grant, subsidy or other  
18 funding involving a pregnancy program, project or service if s. 20.9275 (2) applies to  
19 the pregnancy program, project or service.

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

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

22 69.30 (2) A financial institution, state agency, county department, Wisconsin  
23 works agency, or service office ~~or long-term care district~~ or an employee of a financial  
24 institution, state agency, county department, Wisconsin works agency, or service  
25 office ~~or long-term care district~~ is not subject to s. 69.24 (1) (a) for copying a certified

1 copy of a vital record for use by the financial institution, state agency, county  
2 department, Wisconsin works agency, or service office ~~or long-term care district~~,  
3 including use under s. 45.04 (5), if the copy is marked "FOR ADMINISTRATIVE  
4 USE".

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

6 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.  
7 Property owned by any county, city, village, town, school district, technical college  
8 district, public inland lake protection and rehabilitation district, metropolitan  
9 sewerage district, municipal water district created under s. 198.22, joint local water  
10 authority created under s. 66.0823, ~~long-term care district under s. 46.2895~~ or town  
11 sanitary district; lands belonging to cities of any other state used for public parks;  
12 land tax-deeded to any county or city before January 2; but any residence located  
13 upon property owned by the county for park purposes that is rented out by the county  
14 for a nonpark purpose shall not be exempt from taxation. Except as to land acquired  
15 under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after  
16 August 17, 1961, to any such governmental unit or for its benefit while the grantor  
17 or others for his or her benefit are permitted to occupy the land or part thereof in  
18 consideration for the conveyance. Leasing the property exempt under this  
19 subsection, regardless of the lessee and the use of the leasehold income, does not  
20 render that property taxable.

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

22 71.26 (1) (b) *Political units.* Income received by the United States, the state  
23 and all counties, cities, villages, towns, school districts, technical college districts,  
24 joint local water authorities created under s. 66.0823, ~~long-term care districts under~~  
25 ~~s. 46.2895~~ or other political units of this state.

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

2           101.01 (4) “Employer” means any person, firm, corporation, state, county,  
3 town, city, village, school district, sewer district, drainage district, ~~long-term care~~  
4 ~~district~~ and other public or quasi-public corporations as well as any agent, manager,  
5 representative or other person having control or custody of any employment, place  
6 of employment or of any employee.

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

8           102.01 (2) (d) “Municipality” includes a county, city, town, village, school  
9 district, sewer district, drainage district and ~~long-term care district~~ and other public  
10 or quasi-public corporations.

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

12          102.04 (1) (a) The state, each county, city, town, village, school district, sewer  
13 district, drainage district, ~~long-term care district~~ and other public or quasi-public  
14 corporations therein.

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

16          103.001 (6) “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 123.** 111.70 (1) (j) of the statutes is amended to read:

22          111.70 (1) (j) “Municipal employer” means any city, county, village, town,  
23 metropolitan sewerage district, school district, ~~long-term care district~~, local cultural  
24 arts district created under subch. V of ch. 229, or any other political subdivision of  
25 the state, or instrumentality of one or more political subdivisions of the state, that

1 engages the services of an employee and includes any person acting on behalf of a  
2 municipal employer within the scope of the person’s authority, express or implied.

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

5 600.01 (1) (b) 10. ~~Except as provided in subd. 10. b., long-term care services~~  
6 Services funded by the family care benefit, as defined in s. 46.2805 (4), that are  
7 provided by a care management organization that contracts with the department of  
8 health services under s. 46.284 and enrolls only individuals who are eligible under  
9 s. 46.286.

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

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

12 **SECTION 127.** Chapter 648 of the statutes is repealed.

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

14 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and  
15 ~~includes a long-term care district board under s. 46.2895.~~

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

17 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) and ~~includes a~~  
18 ~~long-term care district under s. 46.2895.~~

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

20 (1) CHANGES TO FAMILY CARE PROGRAM.

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

22 1. “Department” means the department of health services.

23 2. “Family Care Partnership Program” means an integrated health and  
24 long-term care program operated under an amendment to the state Medical  
25 Assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 4396n (c).

1           3. “Family care program” means the program under sections 46.2805 to  
2           46.2895 of the statutes that provides the family care benefit as defined in section  
3           46.2805 (4) of the statutes.

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

6           (b) *Waiver request; generally.* The department shall request any approval from  
7           and shall submit any amendments or waiver requests to the federal department of  
8           health and human services that are necessary to implement changes to the family  
9           care program, the program of all-inclusive care for the elderly, or the Family Care  
10          Partnership Program, including all of the following:

11          1. Administration by care management organizations of the family care  
12          program statewide instead of by geographic region, unless the department allows the  
13          care management organization a waiver to administer the family care benefit in a  
14          specific geographic region.

15          2. Addition of any primary and acute health care services selected by the  
16          department as a benefit under the family care program.

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

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

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

1           6. Elimination of the insurance requirements for care management  
2 organizations under chapter 648 of the statutes.

3           (c) *Family care in all counties.* The department shall request any approval or  
4 submit any waiver request necessary to the federal department of health and human  
5 services to administer the family care program in every county in the state. If the  
6 federal department of health and human services does not disapprove the request,  
7 the department shall ensure that the family care program is available to eligible  
8 residents of every county in the state by January 1, 2016, or by a date specified by  
9 the department, whichever is later. If the department specifies a later date than  
10 January 1, 2016, it shall submit a notice of that date to the legislative reference  
11 bureau for publication in the Wisconsin Administrative Register.

12           (d) *Waiver request not approved; saving provision.* If the federal department  
13 of health and human services does not approve of any request or submission of waiver  
14 request under paragraph (b) or (c) the department may administer that portion of  
15 the family care program under the applicable provision of sections 46.2805 to  
16 46.2895, 2013 stats.

17           (e) *Other long-term care programs discontinued.* If the federal department of  
18 health and human services does not disapprove the request to administer the family  
19 care program in every county in the state, the department may elect to discontinue  
20 enrollment of participants in or administration of any of the programs under sections  
21 46.271, 46.275, 46.277, 46.278, or 46.2785 of the statutes at any time determined by  
22 the department that is after the date that the family care program is available to  
23 eligible residents of every county in the state under paragraph (c).

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

1           (1) FAMILY CARE CHANGES; LONG-TERM CARE DISTRICTS; INSURANCE REGULATION. The  
2 treatment of sections 13.94 (4) (a) 1. and (b), 17.15 (5), 17.27 (3m), 19.82 (1), 20.145  
3 (1) (g) (intro.) and 3., 20.435 (4) (jt) and (kv), 20.927 (1m), 20.9275 (1) (b), 25.50 (1)  
4 (d), 40.02 (28) and (36), 46.21 (2m) (c), 46.215 (1m) and (1p), 46.22 (1) (dm) and (dp),  
5 46.23 (3) (e) and (ed), 46.27 (7) (fr) 3. c., 46.2805 (intro.), (7r), and (7u), 46.281 (1d),  
6 46.283 (2) (intro.) and (b) and (7) (b), 46.284 (2) (bm) (by SECTION 70), (3m), (5) (d) 4.,  
7 and (7) (b), 46.285 (intro.), (1), and (2), 48.47 (7g), 51.42 (3) (e), 51.437 (4r) (b), 66.0301  
8 (1) (a), 66.0506 (1), 66.0601 (1) (b) and (c), 69.30 (1) (bd) and (2), 70.11 (2), 71.26 (1)  
9 (b), 101.01 (4), 102.01 (2) (d), 102.04 (1) (a), 103.001 (6), 111.70 (1) (j), 632.745 (6) (a)  
10 2m., and 985.01 (1g) and (3) and chapter 648 of the statutes, the repeal of section  
11 46.2895 of the statutes, and the amendment of section 46.2805 (4m) of the statutes  
12 take effect on July 1, 2018.

13

(END)



**Dodge, Tamara**

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**From:** Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>  
**Sent:** Tuesday, January 27, 2015 11:13 AM  
**To:** Dodge, Tamara  
**Subject:** RE: Family Care Draft 0972

Hi Tami –

On the family care draft, I have a few additional changes.

Can you please amend the definition of a care management organization to be a care management organization insurer.

Under section 6 can you please restore "and oversight of care management organizations" but call them care management organization insurers.

Under section 37 Modify the definition of a care management organization to include language meaning an insurer that is licensed and in compliance with chapters 600 to 646 and that is certified as meeting the requirements under s.46.284 (3)...

Please let me know if you have any questions on these changes.

Thank you,  
Cindy

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**From:** Dombrowski, Cynthia A - DOA  
**Sent:** Monday, January 26, 2015 2:37 PM  
**To:** Dodge, Tamara - LEGIS  
**Subject:** RE: Family Care Draft 0972/P2

Tami,

Yes, repeal (2)(c) and delete the new text.

Thanks,  
Cindy

---

**From:** Dodge, Tamara [<mailto:Tamara.Dodge@legis.wisconsin.gov>]  
**Sent:** Monday, January 26, 2015 2:19 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Subject:** RE: Family Care Draft 0972/P2

Cindy,

By that, I assume you mean you want (2)(c) repealed. Do you also want the new text I added to (2)(c) deleted as well?

Tami

**Tamara J. Dodge**  
Attorney

Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

**From:** Dombrowski, Cynthia A - DOA [<mailto: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](mailto:cynthia.dombrowski@wisconsin.gov)