



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 V**

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/P4 P5
TJD:cjs&jld:jf
TWJ

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

FOR 2015-2017 BUDGET – NOT READY FOR INTRODUCTION

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).

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~~ 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 amended to read:

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

20 (cm) Before January 1, ²⁰¹⁷ 2016, or the date specified in 2015 Wisconsin Act
21 (this act), section 9118 (1), whichever is later, an entity that is certified as meeting
22 the requirements for a care management organization under s. 46.284 (3) and that
23 has a contract under s. 46.284 (2). "Care management organization" does not mean
24 an entity that contracts with the department to operate one of the following:

25 SECTION 38. 46.2805 (1) (a) of the statutes is repealed.

1 **SECTION 39.** 46.2805 (1) (b) of the statutes is repealed.

2 **SECTION 40.** 46.2805 (1) (dm) of the statutes is created to read:

3 46.2805 (1) (dm) Beginning on January 1, ~~2016~~²⁰¹⁷, or the date specified in 2015
4 Wisconsin Act (this act), section 9118 (1), whichever is later, an insurer that is
5 licensed and in compliance with the applicable provisions of chs. 600 to 646, that is
6 certified as meeting the requirements for a care management organization under s.
7 46.284 (3), and that has a contract under s. 46.284 (2).

8 **SECTION 41.** 46.2805 (4) of the statutes is amended to read:

9 46.2805 (4) "Family care benefit" means financial assistance for long-term
10 care and support items for an enrollee and any financial assistance, as specified by
11 the department, for primary and acute health care services under s. 49.46 (2) for an
12 enrollee.

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

14 46.2805 (4k) "Family Care Partnership Program" means an integrated health
15 and long-term care program operated under an amendment to the state Medical
16 Assistance plan under 42 USC 1396u-2 and a waiver under 42 USC 1396n (c).

17 **SECTION 43.** 46.2805 (4m) of the statutes is created to read:

18 46.2805 (4m) "Family care program" means the program under s. 46.2805 to
19 46.2895 that provides the family care benefit.

20 **SECTION 44.** 46.2805 (4m) of the statutes, as created by 2015 Wisconsin Act
21 (this act), is amended to read:

22 46.2805 (4m) "Family care program" means the program under s. 46.2805 to
23 ~~46.2895~~ 46.288 that provides the family care benefit.

24 **SECTION 45.** 46.2805 (7r) of the statutes is repealed.

25 **SECTION 46.** 46.2805 (7u) of the statutes is repealed.

1 **SECTION 47.** 46.2805 (9m) of the statutes is created to read:

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

5 **SECTION 48.** 46.2805 (10m) of the statutes is amended to read:

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

10 **SECTION 49.** 46.281 (1d) of the statutes is amended to read:

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

19 **SECTION 50.** 46.281 (1g) (a) of the statutes is renumbered 46.281 (1g) and
20 amended to read:

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

1 as provided under s. 46.284 (2) to administer the family care benefit as care
2 management organizations ~~in any geographic area in the state.~~

3 **SECTION 51.** 46.281 (1g) (b) of the statutes is repealed.

4 **SECTION 52.** 46.281 (1n) (b) 3. of the statutes is amended to read:

5 46.281 (1n) (b) 3. Conduct ongoing evaluations of managed care programs for
6 provision of long-term care services that are funded by medical assistance, as
7 defined in s. 46.278 (1m) (b), as to client access to services, the availability of client
8 choice of living and service options, quality of care, and cost-effectiveness. In
9 evaluating the availability of client choice, the department shall evaluate the
10 opportunity for a client to arrange for, manage, and monitor his or her family care
11 benefit ~~directly or with assistance,~~ self-directed services option as specified in s.
12 46.284 (4) (e).

13 **SECTION 53.** 46.281 (1n) (b) 4. of the statutes is amended to read:

14 46.281 (1n) (b) 4. Require that quality assurance and quality improvement
15 efforts be included throughout the long-term care system ~~specified in ss. 46.2805 to~~
16 ~~46.2895~~ family care program.

17 **SECTION 54.** 46.281 (4) (c) of the statutes is amended to read:

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

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

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

8 **SECTION 56.** 46.2825 (2) (c) of the statutes is amended to read:

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

13 **SECTION 57.** 46.283 (1) (a) (intro.) and 1. of the statutes are consolidated,
14 renumbered 46.283 (1) (a) and amended to read:

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

21 **SECTION 58.** 46.283 (1) (a) 2. of the statutes is repealed.

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

23 46.283 (2) **EXCLUSIVE CONTRACT.** (intro.) The department may contract to
24 operate a resource center with counties, ~~long-term care districts,~~ or the governing
25 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 60.** 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 61.** 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 62.** 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 63.** 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 64.** 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 65.** 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 66.** 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 67.** 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 68.** 46.284 (1) (a) 2. of the statutes is repealed.

6 **SECTION 69.** 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 70.** 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
23 is not required to solicit proposals for contracts to be a care management
24 organization under a competitive sealed proposal process.

1 **SECTION 71.** 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 72.** 46.284 (2) (c) of the statutes is repealed.

12 **SECTION 73.** 46.284 (3) (b) 10. of the statutes is amended to read:

13 46.284 (3) (b) 10. Coverage statewide or for a geographic area specified by the
14 department if the department grants the applicant an exception to statewide
15 coverage.

16 **SECTION 74.** 46.284 (3) (b) 11. of the statutes is amended to read:

17 46.284 (3) (b) 11. The ability to develop strong linkages with systems and
18 services that are not directly within the scope of the applicant's responsibility but
19 that are important to the target group that it proposes to serve, ~~including~~.

20 11m. If the department chooses to make primary and acute health care services
21 part of the family care benefit, the ability to provide or provide access to primary and
22 acute health care services under s. 49.46 (2) as determined by the department.

23 **SECTION 75.** 46.284 (3m) of the statutes is amended to read:

24 46.284 (3m) PERMIT REQUIRED. A care management organization that is
25 described under s. 600.01 (1) (b) 10. a., 2013 stats., to which s. 600.01 (1) (b) 10. b.,

1 2013 stats., does not apply and that is certified under sub. (3) shall apply for a permit
2 with the office of the commissioner of insurance under ch. 648.

3 **SECTION 76.** 46.284 (3m) of the statutes, as affected by 2015 Wisconsin Act ...
4 (this act), is repealed.

5 **SECTION 77.** 46.284 (4) (e) of the statutes is amended to read:

6 46.284 (4) (e) Provide, within guidelines established by the department, a
7 ~~mechanism~~ self-directed services option by which an enrollee may arrange for,
8 manage, and monitor his or her family care benefit directly or with the assistance of
9 another person chosen by the enrollee. The care management organization shall
10 provide each enrollee with a form on which the enrollee shall indicate whether he or
11 she has been offered the self-directed services option under this paragraph and
12 whether he or she has accepted or declined the self-directed services option. If the
13 enrollee accepts the option, the care management organization shall monitor the
14 enrollee's use of a fixed budget for purchase of services or support items from any
15 qualified provider, monitor the health and safety of the enrollee, and provide
16 assistance in management of the enrollee's budget and services at a level tailored to
17 the enrollee's need and desire for the assistance.

18 **SECTION 78.** 46.284 (5) (d) 4. of the statutes is amended to read:

19 46.284 (5) (d) 4. The requirement that a care management organization place
20 funds in a risk reserve and maintain the risk reserve in an interest-bearing escrow
21 account with a financial institution, as defined in s. 69.30 (1) (b), ~~or invest funds as~~
22 ~~specified in s. 46.2895 (4) (j) 2. or 3.~~ Moneys in the risk reserve or invested as specified
23 in this subdivision may be expended only for the provision of services under this
24 section. If a care management organization ceases participation under this section,
25 the funds in the risk reserve or invested as specified in this subdivision, minus any

1 contribution of moneys other than those specified in par. (c), shall be returned to the
2 department. The department shall expend the moneys for the payment of
3 outstanding debts to providers of family care benefit services and for the
4 continuation of family care benefit services to enrollees.

5 **SECTION 79.** 46.284 (6) of the statutes is amended to read:

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

12 **SECTION 80.** 46.284 (7) (a) of the statutes is amended to read:

13 46.284 (7) (a) A care management organization may provide information as
14 required to comply with s. 16.009 (2) (p) or 49.45 (4) or as necessary for the
15 department to administer the family care program under ss. 46.2805 to 46.2895.

16 **SECTION 81.** 46.284 (7) (b) of the statutes is amended to read:

17 46.284 (7) (b) Notwithstanding ss. 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45
18 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a care
19 management organization acting under this section may exchange confidential
20 information about a client, as defined in s. 46.287 (1), without the informed consent
21 of the client, under s. 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283
22 (7), ~~46.2895 (10)~~, 51.42 (3) (e) or 51.437 (4r) (b) in the county of the care management
23 organization, if necessary to enable the care management organization to perform
24 its duties or to coordinate the delivery of services to the client.

1 **SECTION 82.** 46.285 (intro.) and (1) of the statutes are consolidated,
2 renumbered 46.285 and amended to read:

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

12 **SECTION 83.** 46.285 (2) of the statutes is repealed.

13 **SECTION 84.** 46.286 (3g) of the statutes is created to read:

14 **46.286 (3g) TRANSFERRING CARE MANAGEMENT ORGANIZATIONS.** An enrollee may
15 transfer his or her enrollment to a different care management organization but only
16 during an open enrollment period specified by the department, unless the enrollee
17 meets an exception specified by the department.

18 **SECTION 85.** 46.2895 of the statutes, as affected by 2015 Wisconsin Act (this
19 act), is repealed.

20 **SECTION 86.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

21 46.2895 (1) (a) (intro.) ~~A~~ Except as provided in par. (f), a county, a tribe or band,
22 or any combination of counties or tribes or bands, may create a special purpose
23 district that is termed a "long-term care district", that is a local unit of government,
24 that is separate and distinct from, and independent of, the state and the county or
25 tribe or band that created it, and that has the powers and duties specified in this

1 section, if each county or tribe or band that participates in creating the district does
2 all of the following:

3 **SECTION 87.** 46.2895 (1) (a) 1. b. of the statutes is amended to read:

4 46.2895 (1) (a) 1. b. Specifies the long-term care district's primary purpose,
5 which shall be to operate, under contract with the department, a resource center
6 under s. 46.283, a care management organization under s. 46.284, or a program
7 ~~described under s. 46.2805 (1) (a) or (b) of all-inclusive care for the elderly or the~~
8 Family Care Partnership Program.

9 **SECTION 88.** 46.2895 (1) (c) of the statutes is amended to read:

10 46.2895 (1) (c) A long-term care district may not operate a care management
11 organization under s. 46.284 ~~or~~, a program ~~described under s. 46.2805 (1) (a) or (b)~~
12 of all-inclusive care for the elderly, or the Family Care Partnership Program if the
13 district operates a resource center under s. 46.283.

14 **SECTION 89.** 46.2895 (1) (f) of the statutes is created to read:

15 46.2895 (1) (f) No county, tribe, band, or combination of counties, tribes, or
16 bands, may create a long-term care district after June 30, 2015.

17 **SECTION 90.** 46.2895 (4) (intro.) of the statutes is amended to read:

18 46.2895 (4) POWERS. (intro.) Subject to ~~sub. subs.~~ (1) (c) and (12m), a long-term
19 care district has all the powers necessary or convenient to carry out the purposes and
20 provisions of the family care program ss. 46.2805 to 46.2895. In addition to all these
21 powers, a long-term care district may do all of the following:

22 **SECTION 91.** 46.2895 (4) (dm) of the statutes is amended to read:

23 46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the
24 department to 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 and
2 provide services related to the contracted services.

3 **SECTION 92.** 46.2895 (8) (a) (intro.) of the statutes is amended to read:

4 46.2895 (8) (a) (intro.) ~~A- Subject to sub. (12m), a~~ long-term care district board
5 that is created at least in part by a county shall do all of the following:

6 **SECTION 93.** 46.2895 (12m) of the statutes is created to read:

7 46.2895 (12m) **REQUIRED DISSOLUTION.** A long-term care district that exists on
8 June 30, 2015, shall dissolve under the procedures in sub. (13) before June 30, 2017,
9 or before a date established by the department, whichever is later.

10 **SECTION 94.** 46.2897 of the statutes is repealed.

11 **SECTION 95.** 46.2899 (1) of the statutes is repealed.

12 **SECTION 96.** 46.2899 (3) of the statutes is amended to read:

13 46.2899 (3) **ELIGIBILITY.** The department shall consider as eligible for the
14 waiver program described under sub. (2) only individuals who are receiving
15 post-secondary education in a setting that is distinguishable from the institution.
16 The department shall set the financial eligibility requirements and functional
17 eligibility requirements for the waiver program described under sub. (2) the same as
18 the financial eligibility requirements and functional eligibility requirements for the
19 self-directed services option of the family care program, as defined in s. 46.2805
20 (4m), except for the requirement to be an individual who is developmentally disabled
21 and who is receiving post-secondary education on the grounds of a institution.

22 **SECTION 97.** 46.2899 (4) of the statutes is amended to read:

23 46.2899 (4) **SERVICES AND BENEFITS.** The department shall provide the same
24 services under the waiver program described in sub. (2) as it provides under the
25 self-directed services option of the family care program, as defined in s. 46.2805

1 ~~(4m)~~. The department shall determine the funding amount for a waiver program
2 participant under this section.

3 **SECTION 98.** 46.82 (3) (a) 19. of the statutes is amended to read:

4 46.82 (3) (a) 19. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
5 under s. 46.283 (1) (a) ~~1.~~, apply to the department to operate a resource center under
6 s. 46.283 and, if the department contracts with the county under s. 46.283 (2), operate
7 the resource center.

8 **SECTION 99.** 46.82 (3) (a) 20. of the statutes is amended to read:

9 46.82 (3) (a) 20. If an aging unit under sub. (1) (a) 1. or 2. and if authorized
10 under s. 46.284 (1) (a) ~~1.~~, apply to the department to operate a care management
11 organization under s. 46.284 and, if the department contracts with the county under
12 s. 46.284 (2), operate the care management organization and, if appropriate, place
13 funds in a risk reserve.

14 **SECTION 100.** 48.47 (7g) of the statutes is amended to read:

15 48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Establish
16 a statewide automated child welfare information system. Notwithstanding ss.
17 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
18 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) (a) and
19 (2), and 938.78 (2) (a), the department may enter the content of any record kept or
20 information received by the department into the statewide automated child welfare
21 information system, and a county department under s. 46.215, 46.22, or 46.23, the
22 department, or any other organization that has entered into an information sharing
23 and access agreement with the department or any of those county departments and
24 that has been approved for access to the statewide automated child welfare
25 information system by the department may have access to information that is

1 maintained in that system, if necessary to enable the county department,
2 department, or organization to perform its duties under this chapter, ch. 46, 51, 55,
3 or 938, or 42 USC 670 to 679b or to coordinate the delivery of services under this
4 chapter, ch. 46, 51, 55, or 938, or 42 USC 670 to 679b. The department may also
5 transfer information that is maintained in the system to a court under s. 48.396 (3)
6 (bm), and the court and the director of state courts may allow access to that
7 information as provided in s. 48.396 (3) (c) 2.

8 **SECTION 101.** 49.475 (1) (e) 2. of the statutes is amended to read:

9 49.475 (1) (e) 2. An enrollee of the family care program, as defined in s. 46.2805
10 (4m).

11 **SECTION 102.** 49.496 (1) (bk) 2. of the statutes is repealed.

12 **SECTION 103.** 50.034 (6) of the statutes is amended to read:

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

19 **SECTION 104.** 50.49 (6m) (b) of the statutes is amended to read:

20 50.49 (6m) (b) A program specified in s. 46.2805 ~~(1) (a)~~ (9m).

21 **SECTION 105.** 50.49 (6m) (c) of the statutes is amended to read:

22 50.49 (6m) (c) A demonstration program specified in s. 46.2805 ~~(1) (b)~~ (4k).

23 **SECTION 106.** 51.06 (8) (b) 6. of the statutes is amended to read:

24 51.06 (8) (b) 6. The extent of Medical Assistance provided to relocated or
25 diverted individuals that is in addition to Medical Assistance provided to the

1 individuals under s. 46.27 (11), 46.275, 46.277, or 46.278, ~~as a~~ under the family care
2 ~~benefit under ss. program as defined in s. 46.2805 to 46.2895 (4m)~~, or under any other
3 home-based or community-based program for which the department has received
4 a waiver under 42 USC 1396n (c).

5 **SECTION 107.** 51.42 (3) (ar) 17. of the statutes is amended to read:

6 51.42 (3) (ar) 17. If authorized under s. 46.283 (1) (a) ~~1~~, apply to the department
7 of health services to operate a resource center under s. 46.283 and, if the department
8 contracts with the county under s. 46.283 (2), operate the resource center.

9 **SECTION 108.** 51.42 (3) (ar) 18. of the statutes is amended to read:

10 51.42 (3) (ar) 18. If authorized under s. 46.284 (1) (a) ~~1~~, apply to the department
11 of health services to operate a care management organization under s. 46.284 and,
12 if the department contracts with the county under s. 46.284 (2), operate the care
13 management organization and, if appropriate, place funds in a risk reserve.

14 **SECTION 109.** 51.42 (3) (e) of the statutes is amended to read:

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

1 to enable the county department of community programs or tribal agency to
2 coordinate the delivery of services to the client. Any agency releasing information
3 under this paragraph shall document that a request was received and what
4 information was provided.

5 **SECTION 110.** 51.437 (4m) (n) of the statutes is amended to read:

6 51.437 (4m) (n) If authorized under s. 46.283 (1) (a) ~~1~~, apply to the department
7 of health services to operate a resource center under s. 46.283 and, if the department
8 contracts with the county under s. 46.283 (2), operate the resource center.

9 **SECTION 111.** 51.437 (4m) (p) of the statutes is amended to read:

10 51.437 (4m) (p) If authorized under s. 46.284 (1) (a) ~~1~~, apply to the department
11 of health services to operate a care management organization under s. 46.284 and,
12 if the department contracts with the county under s. 46.284 (2), operate the care
13 management organization and, if appropriate, place funds in a risk reserve.

14 **SECTION 112.** 51.437 (4r) (b) of the statutes is amended to read:

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

1 duties, or to enable the county department of developmental disabilities services or
2 tribal agency to coordinate the delivery of services to the client. Any agency releasing
3 information under this paragraph shall document that a request was received and
4 what information was provided.

5 **SECTION 113.** 66.0301 (1) (a) of the statutes is amended to read:

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

21 **SECTION 114.** 66.0506 (1) of the statutes is amended to read:

22 66.0506 (1) In this section, “local governmental unit” means any city, village,
23 town, county, metropolitan sewerage district, ~~long-term care district~~, local cultural
24 arts district under subch. V of ch. 229, or any other political subdivision of the state,
25 or instrumentality of one or more political subdivisions of the state.

1 **SECTION 115.** 66.0601 (1) (b) of the statutes is amended to read:

2 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town,
3 ~~long-term care district under s. 46.2895~~ or agency or subdivision of a city, village or
4 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
5 or other medical facility for the performance of an abortion except those permitted
6 under and which are performed in accordance with s. 20.927.

7 **SECTION 116.** 66.0601 (1) (c) of the statutes is amended to read:

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

13 **SECTION 117.** 69.30 (1) (bd) of the statutes is repealed.

14 **SECTION 118.** 69.30 (2) of the statutes is amended to read:

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

23 **SECTION 119.** 70.11 (2) of the statutes is amended to read:

24 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
25 Property owned by any county, city, village, town, school district, technical college

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

14 **SECTION 120.** 71.26 (1) (b) of the statutes is amended to read:

15 71.26 (1) (b) *Political units.* Income received by the United States, the state
16 and all counties, cities, villages, towns, school districts, technical college districts,
17 joint local water authorities created under s. 66.0823, ~~long-term care districts under~~
18 ~~s. 46.2895~~ or other political units of this state.

19 **SECTION 121.** 101.01 (4) of the statutes is amended to read:

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

25 **SECTION 122.** 102.01 (2) (d) of the statutes is amended to read:

1 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
2 district, sewer district, drainage district and ~~long-term care district~~ and other public
3 or quasi-public corporations.

4 **SECTION 123.** 102.04 (1) (a) of the statutes is amended to read:

5 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
6 district, drainage district, ~~long-term care district~~ and other public or quasi-public
7 corporations therein.

8 **SECTION 124.** 103.001 (6) of the statutes is amended to read:

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

14 **SECTION 125.** 111.70 (1) (j) of the statutes is amended to read:

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

21 **SECTION 126.** 600.01 (1) (b) 10. of the statutes is repealed.

22 **SECTION 127.** 600.01 (3) of the statutes is created to read:

23 600.01 (3) CARE MANAGEMENT ORGANIZATIONS. A care management organization
24 as defined in s. 46.2805 (1) (dm) is considered an insurer for purposes of chs. 600 to
25 646.

1 **SECTION 128.** 601.41 (12) of the statutes is created to read:

2 601.41 (12) CARE MANAGEMENT ORGANIZATIONS. The commissioner may apply
3 the provisions of chs. 600 to 646 to a care management organization, as defined in
4 s. 46.2805 (1) (dm). The commissioner may promulgate rules to license care
5 management organizations, as defined in s. 46.2805 (1) (dm), as insurers and to
6 otherwise regulate care management organizations.

7 **SECTION 129.** 632.745 (6) (a) 2m. of the statutes is repealed.

8 **SECTION 130.** Chapter 648 of the statutes, as affected by 2015 Wisconsin Act
9 (this act), is repealed.

10 **SECTION 131.** 648.03 of the statutes is amended to read:

11 **648.03 Applicability of other laws.** ~~Notwithstanding s. 600.01 (1) (b) 10. a.,~~
12 ~~ss. Sections~~ 600.01, 600.02, 600.03, and 600.12 apply to this chapter.

13 **SECTION 132.** 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 133.** 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~~²⁰¹⁷, or by a date specified by
9 the department, whichever is later. If the department specifies a later date than
10 January 1, ~~2016~~²⁰¹⁷, 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 71), (5) (d) 4., and
7 (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) of the statutes, the repeal of sections 46.284 (3m) and
11 46.2895 and chapter 648 of the statutes, and the amendment of section 46.2805 (4m)
12 of the statutes take effect on July 1, 2018.

13

(END)