

1 **SECTION 537.** 48.685 (1) (ap) of the statutes is created to read:

2 48.685 (1) (ap) “Congregate care worker” means an adult who works in a
3 congregate care facility. “Congregate care worker” includes a person who has or is
4 seeking a license to operate a congregate care facility and does not include an unpaid
5 volunteer.

6 **SECTION 538.** 48.685 (1) (c) 2. of the statutes is amended to read:

7 48.685 (1) (c) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19
8 (2), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,
9 942.09 (2), 948.02 (1) or (2), 948.025, 948.03 (2) or (5) (a) 1., 2., 3., or 4., 948.05,
10 948.051, 948.055, 948.06, 948.07, 948.08, 948.081, 948.085, 948.11 (2) (a) or (am),
11 948.12, 948.13, 948.21 (2), 948.215, 948.30, or 948.53.

12 **SECTION 539.** 48.685 (2) (am) 5. of the statutes is amended to read:

13 48.685 (2) (am) 5. Information maintained by the department of health services
14 under this section and under ss. 48.623 (6) (am) 2. and (bm) 5., 48.75 (1m), and 48.979
15 (1) (b) regarding any denial to the person of a license, or continuation or renewal of
16 a license to operate an entity, or of payments under s. 48.623 (6) for operating an
17 entity, for a reason specified in sub. (4m) (a) 1. to 5. and regarding any denial to the
18 person of employment at, a contract with, or permission to reside at an entity or of
19 permission to reside with a caregiver specified in sub. (1) (ag) 1. am. for a reason
20 specified in sub. (4m) (b) 1. to 5. If the information obtained under this subdivision
21 indicates that the person has been denied a license, or continuation or renewal of a
22 license, payments, employment, a contract, or permission to reside as described in
23 this subdivision, the department, a county department, or a child welfare agency
24 need not obtain the information specified in subds. 1. to 4., and the department need
25 not obtain a fingerprint-based background check under par. (ba).

1 **SECTION 540.** 48.685 (2) (b) (intro.) of the statutes is amended to read:

2 48.685 (2) (b) (intro.) Every entity shall obtain all of the following with respect
3 to a caregiver specified in sub. (1) (ag) 1. a. or am. of the entity ~~and~~, with respect to
4 a nonclient resident of a caregiver specified in sub. (1) (ag) 1. am., and with respect
5 to a congregate care worker, except a caregiver specified in sub. (1) (ag) 1. b., of the
6 entity:

7 **SECTION 541.** 48.685 (2) (ba) of the statutes is created to read:

8 48.685 (2) (ba) If the person who is the subject of the search under par. (am)
9 or (b) is a congregate care worker, the department shall obtain a fingerprint-based
10 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
11 (A), unless the search has been terminated under par. (am) 5. or (b) 5m. The
12 department, county department, or child welfare agency may release any
13 information obtained under this paragraph only as permitted under 32 USC 20962
14 (e).

15 **SECTION 542.** 48.685 (2) (bb) of the statutes is amended to read:

16 48.685 (2) (bb) If information obtained under par. (am) ~~or~~, (b), or (ba) indicates
17 a charge of a serious crime, but does not completely and clearly indicate the final
18 disposition of the charge, the department, county department, child welfare agency,
19 or entity shall make every reasonable effort to contact the clerk of courts to determine
20 the final disposition of the charge. If a background information form under sub. (6)
21 (a) or (am) indicates a charge or a conviction of a serious crime, but information
22 obtained under par. (am) ~~or~~, (b), or (ba) does not indicate such a charge or conviction,
23 the department, county department, child welfare agency, or entity shall make every
24 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
25 complaint and the final disposition of the complaint. If information obtained under

1 par. (am) ~~or~~, (b), or (ba), a background information form under sub. (6) (a) or (am),
2 or any other information indicates a conviction of a violation of s. 940.19 (1), 940.195,
3 940.20, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before
4 the date on which that information was obtained, the department, county
5 department, child welfare agency, or entity shall make every reasonable effort to
6 contact the clerk of courts to obtain a copy of the criminal complaint and judgment
7 of conviction relating to that violation.

8 **SECTION 543.** 48.685 (2) (bg) of the statutes is amended to read:

9 48.685 (2) (bg) If an entity employs or contracts with a caregiver or congregate
10 care worker for whom, within the last year, the information required under par. (b)
11 1m. to 3m. and 5m. has already been obtained by another entity, the entity may
12 obtain that information from that other entity, which shall provide the information,
13 if possible, to the requesting entity. If an entity cannot obtain the information
14 required under par. (b) 1m. to 3m. and 5m. from another entity or if an entity has
15 reasonable grounds to believe that any information obtained from another entity is
16 no longer accurate, the entity shall obtain that information from the sources
17 specified in par. (b) 1m. to 3m. and 5m.

18 **SECTION 544.** 48.685 (2) (bm) of the statutes is amended to read:

19 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
20 or (b) is not a resident of this state, or if at any time within the 5 years preceding the
21 date of the search that person has not been a resident of this state, or if the
22 department, county department, child welfare agency, or entity determines that the
23 person's employment, licensing, or state court records provide a reasonable basis for
24 further investigation, the department, county department, child welfare agency, or
25 entity shall make a good faith effort to obtain from any state or other United States

1 jurisdiction in which the person is a resident or was a resident within the 5 years
2 preceding the date of the search information that is equivalent to the information
3 specified in par. (am) 1. or (b) 1m. The department, county department, child welfare
4 agency, or entity may require the person to be fingerprinted on 2 fingerprint cards,
5 each bearing a complete set of the person's fingerprints, or by other technologies
6 approved by law enforcement agencies. The department of justice may provide for
7 the submission of the fingerprint cards or fingerprints by other technologies to the
8 federal bureau of investigation for the purposes of verifying the identity of the person
9 fingerprinted and obtaining records of his or her criminal arrests and convictions.
10 The department, county department, or child welfare agency may not use any
11 information obtained under this paragraph for any purpose other than a search of
12 the person's background under par. (am) or (b).

13 **SECTION 545.** 48.685 (2) (c) 1. of the statutes is amended to read:

14 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
15 is seeking an initial license to operate a foster home or is seeking relicensure after
16 a break in licensure, the department, county department, or child welfare agency
17 shall request under ~~42 USC 16962~~ 34 USC 20962 (b) a fingerprint-based check of the
18 national crime information databases, as defined in 28 USC 534 (f) (3) (A). If that
19 person is seeking subsidized guardianship payments under s. 48.623 (6), the
20 department in a county having a population of 750,000 or more or county department
21 shall request that fingerprint-based check. The department, county department, or
22 child welfare agency may release any information obtained under this subdivision
23 only as permitted under ~~42 USC 16962~~ 34 USC 20962 (e).

24 **SECTION 546.** 48.685 (2) (d) of the statutes is amended to read:

1 48.685 (2) (d) Every entity shall maintain, or shall contract with another
2 person to maintain, the most recent background information obtained on a caregiver
3 or congregate care worker under par. (b). The information shall be made available
4 for inspection by authorized persons, as defined by the department by rule.

5 **SECTION 547.** 48.685 (3) (b) of the statutes is amended to read:

6 48.685 (3) (b) Every 4 years or at any time within that period that an entity
7 considers appropriate, the entity shall request the information specified in sub. (2)
8 (b) 1m. to 5m. for all persons who are caregivers specified in sub. (1) (ag) 1. a. or am.
9 of the entity and for all nonclient residents of a caregiver specified in sub. (1) (ag) 1.
10 am. of the entity subject to sub. (2) (b).

11 **SECTION 548.** 48.685 (3) (c) of the statutes is created to read:

12 48.685 (3) (c) Every 4 years or at any time within that period that the
13 department considers appropriate, the department shall obtain the information
14 specified in sub. (2) (ba) for all persons who are congregate care workers.

15 **SECTION 549.** 48.685 (4m) (a) 1. of the statutes is amended to read:

16 48.685 (4m) (a) 1. That the person has been convicted of a serious crime or
17 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious
18 crime or that the person is the subject of a pending criminal charge or delinquency
19 petition alleging that the person has committed a serious crime ~~on or after his or her~~
20 ~~10th birthday.~~

21 **SECTION 550.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:

22 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
23 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)
24 (ag) 1. a. or am. or a congregate care worker or permit a nonclient resident to reside

1 at the entity or with a caregiver specified in sub. (1) (ag) 1. am. of the entity if the
2 entity knows or should have known any of the following:

3 **SECTION 551.** 48.685 (4m) (b) 1. of the statutes is amended to read:

4 48.685 (4m) (b) 1. That the person has been convicted of a serious crime or
5 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious
6 crime or that the person is the subject of a pending criminal charge or delinquency
7 petition alleging that the person has committed a serious crime ~~on or after his or her~~
8 ~~10th birthday.~~

9 **SECTION 552.** 48.685 (4m) (c) of the statutes is amended to read:

10 48.685 (4m) (c) If the background information form completed by a person
11 under sub. (6) (am) indicates that the person is not ineligible to be employed or
12 contracted with for a reason specified in par. (b) 1. to 5., an entity may employ or
13 contract with the person for not more than 45 days pending the receipt of the
14 information sought under sub. (2) (am) or (b) and (ba). If the background information
15 form completed by a person under sub. (6) (am) indicates that the person is not
16 ineligible to be permitted to reside at an entity or with a caregiver specified in sub.
17 (1) (ag) 1. am. for a reason specified in par. (b) 1. to 5. and if an entity otherwise has
18 no reason to believe that the person is ineligible to be permitted to reside at an entity
19 or with that caregiver for any of those reasons, the entity may permit the person to
20 reside at the entity or with the caregiver for not more than 45 days pending receipt
21 of the information sought under sub. (2) (am) or (b) and (ba). An entity shall provide
22 supervision for a person who is employed, contracted with, or permitted to reside as
23 permitted under this paragraph.

24 **SECTION 553.** 48.685 (4m) (d) of the statutes is amended to read:

1 48.685 (4m) (d) If the department learns that a caregiver, congregate care
2 worker, or nonclient resident is the subject of a pending investigation for a crime or
3 offense that, under this subsection or sub. (5), could result in a bar to ~~employment~~
4 ~~as a caregiver or residencee~~ being a caregiver, working, or residing at an entity, the
5 department may notify the entity of the pending investigation.

6 **SECTION 554.** 48.685 (5m) of the statutes is amended to read:

7 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
8 a person to operate an entity, a county department or a child welfare agency may
9 refuse to license a foster home under s. 48.62, the department in a county having a
10 population of 750,000 or more or a county department may refuse to provide
11 subsidized guardianship payments to a person under s. 48.623 (6), and an entity may
12 refuse to employ or contract with a caregiver or congregate care worker or permit a
13 nonclient resident to reside at the entity or with a caregiver specified in sub. (1) (ag)
14 1. am. of the entity if the person has been convicted of an offense that is not a serious
15 crime, but that is, in the estimation of the department, county department, child
16 welfare agency, or entity, substantially related to the care of a client.

17 **SECTION 555.** 48.685 (6) (am) of the statutes is amended to read:

18 48.685 (6) (am) Every 4 years an entity shall require all of its caregivers ~~and~~
19 ~~all, nonclient residents of the entity or of a caregiver specified in sub. (1) (ag) 1. am.~~
20 ~~of the entity, congregate care workers, and nonclient residents of a caregiver~~
21 specified in sub. (1) (ag) 1. am. to complete a background information form that is
22 provided to the entity by the department.

23 **SECTION 556.** 48.685 (8) of the statutes is amended to read:

24 48.685 (8) The department, the department of health services, a county
25 department, or a child welfare agency may charge a fee for obtaining the information

1 required under sub. (2) (am) or (3) (a), for providing information to an entity to enable
2 the entity to comply with sub. (2) (b) or (3) (b), or for obtaining and submitting
3 fingerprints under sub. (2) (ba) or (bm) or (3) (c). The fee may not exceed the
4 reasonable cost of obtaining the information or of obtaining and submitting
5 fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40 (1) (d),
6 for obtaining or maintaining information or for obtaining and submitting
7 fingerprints if to do so would be inconsistent with federal law.

8 **SECTION 557.** 48.686 (1) (ac) of the statutes is created to read:

9 48.686 (1) (ac) “Approval” means a child care center license under s. 48.65, a
10 child care provider certification under s. 48.651, or a contract with a child care
11 provider under s. 120.13 (14).

12 **SECTION 558.** 48.686 (1) (ag) 1. (intro.) of the statutes is repealed.

13 **SECTION 559.** 48.686 (1) (ag) 1. a. of the statutes is renumbered 48.686 (1) (ag)
14 1. and amended to read:

15 48.686 (1) (ag) 1. An employee or ~~independent~~ contractor of a child care
16 program who is involved in the care or supervision of clients.

17 **SECTION 560.** 48.686 (1) (ag) 1. b. of the statutes is renumbered 48.686 (1) (ag)
18 1m. and amended to read:

19 48.686 (1) (ag) 1m. ~~Involved in the care or supervision of clients of a child care~~
20 ~~program or~~ A person who has direct contact and unsupervised access to clients of a
21 child care program.

22 **SECTION 561.** 48.686 (1) (ar) of the statutes is repealed.

23 **SECTION 562.** 48.686 (1) (bm) of the statutes is amended to read:

1 48.686 (1) (bm) “Nonclient resident” “Household member” means a person who
2 is age 10 or older, who resides, or is expected to reside, at a child care program, and
3 who is not a client of the child care program or caregiver.

4 **SECTION 563.** 48.686 (1) (bo) of the statutes is created to read:

5 48.686 (1) (bo) “Licensing entity” means all of the following:

6 1. The department when licensing a child care center under s. 48.65.

7 2. The department in a county with a population of 750,000 or more, a county
8 department, or an agency or Indian tribe contracted with under s. 48.651 (2) when
9 certifying a child care provider under s. 48.651.

10 3. A school board when contracting with a child care provider under s. 120.13
11 (14).

12 **SECTION 564.** 48.686 (1) (bp) of the statutes is created to read:

13 48.686 (1) (bp) “Noncaregiver employee” means a person who provides services
14 to a child care program as an employee or a contractor and is not a caregiver, but
15 whose work at the child care program provides the ability to move freely throughout
16 the premises and opportunities for interactions with clients of the child care
17 program.

18 **SECTION 565.** 48.686 (1) (c) 5. of the statutes is amended to read:

19 48.686 (1) (c) 5. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21,
20 940.225 (1), (2), or (3), 940.23, 940.305, 940.31, 941.20 (2) or (3), 941.21, 943.02,
21 943.03, 943.04, 943.10 (2), 943.32 (2), ~~or 948.081,~~ 948.21 (1) ~~(a),~~ 948.215, or 948.53
22 (2) (b) 1.

23 **SECTION 566.** 48.686 (1) (c) 9. of the statutes is amended to read:

24 48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
25 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.203, 940.205,

1 940.207, 940.25, or 943.23 (1g), ~~a violation of s. 948.51 (2) that is a felony under s.~~
2 ~~948.51 (3) (b) or (c), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under~~
3 ~~s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense under ch. 961 that~~
4 ~~is a felony, if the person completed his or her sentence, including any probation,~~
5 ~~parole, or extended supervision, or was discharged by the department of corrections,~~
6 ~~less than 5 years before the date of the investigation under sub. (2) (am).~~

7 **SECTION 567.** 48.686 (1) (c) 10. of the statutes is amended to read:

8 48.686 (1) (c) 10. A violation of s. 948.22 (2), ~~if the person completed his or her~~
9 ~~sentence, including any probation, parole, or extended supervision, or was~~
10 ~~discharged by the department of corrections, less than 5 years before the date of the~~
11 ~~investigation under sub. (2) (am), unless the person has paid all arrearages due and~~
12 ~~is meeting his or her current support obligations.~~

13 **SECTION 568.** 48.686 (2) (a) of the statutes is amended to read:

14 48.686 (2) (a) ~~The department~~ A licensing entity shall require any person who
15 applies for issuance of an initial license approval to operate a child care center under
16 s. 48.65, a school board shall require any person who proposes an initial contract with
17 the school board under s. 120.13 (14), and the department in a county having a
18 population of 750,000 or more, a county department, or an agency contracted with
19 under s. 48.651 (2) shall require any child care provider who applies for initial
20 certification under s. 48.651 program to submit the information required for a
21 background check request under par. (ag). ~~A~~ If the licensing entity is a school board,
22 county department, or contracted agency or tribe, the licensing entity shall submit
23 the completed background information request to the department.

24 **SECTION 569.** 48.686 (2) (ab) of the statutes is amended to read:

1 48.686 (2) (ab) Each child care program shall submit a request to the
2 department for a ~~eriminal~~ background check for each potential caregiver,
3 ~~noncaregiver employee~~, and potential ~~nonclient resident~~ household member prior to
4 the date on which an individual becomes a caregiver, noncaregiver employee, or
5 ~~nonclient resident~~ household member, and at least once during every 5-year period
6 for each existing caregiver, noncaregiver employee, or ~~nonclient resident~~ household
7 member, except if all of the following apply to the individual:

8 1. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient~~
9 ~~resident~~ individual has received a background check as described in par. (am) while
10 employed working or seeking employment by work with another child care program
11 within the state within the last 5 years.

12 2. The department provided to the child care program under subd. 1. a
13 qualifying background check result for the ~~caregiver, potential caregiver, nonclient~~
14 ~~resident, or potential nonclient resident~~ individual.

15 3. The ~~caregiver, potential caregiver, nonclient resident, or potential nonclient~~
16 ~~resident is employed by~~ individual works or resides at a child care program within
17 the state or has been separated from ~~employment~~ work or residence at a child care
18 program within the state for a period of not more than 180 consecutive days.

19 **SECTION 570.** 48.686 (2) (ag) 1. b. of the statutes is amended to read:

20 48.686 (2) (ag) 1. b. Any additional information that the department deems
21 necessary to perform the ~~eriminal~~ background check.

22 **SECTION 571.** 48.686 (2) (ag) 2. of the statutes is amended to read:

23 48.686 (2) (ag) 2. A request for a ~~eriminal~~ background check is considered
24 submitted on the day that the department receives all of the information required
25 under subd. 1.

1 **SECTION 572.** 48.686 (2) (ag) 3. of the statutes is amended to read:

2 48.686 (2) (ag) 3. The requester of a background check under this paragraph
3 shall submit all fees required by the department pursuant to the instructions
4 provided by the department, not to exceed the actual cost of conducting the eriminal
5 background check.

6 **SECTION 573.** 48.686 (2) (am) (intro.) of the statutes is amended to read:

7 48.686 (2) (am) (intro.) Upon receipt of a request submitted under par. (a) or
8 (ab), the department shall obtain all of the following with respect to ~~a caregiver or~~
9 ~~a nonclient resident who is not under 10 years of age~~ the individual who is the subject
10 of the request:

11 **SECTION 574.** 48.686 (2) (am) 1. of the statutes is amended to read:

12 48.686 (2) (am) 1. A fingerprint-based or name-based criminal history search
13 from the records maintained by the department of justice.

14 **SECTION 575.** 48.686 (2) (am) 10. of the statutes is amended to read:

15 48.686 (2) (am) 10. A search of the department's eriminal background check
16 records.

17 **SECTION 576.** 48.686 (2) (ar) of the statutes is amended to read:

18 48.686 (2) (ar) After receiving a request under par. (a) or (ab), the department
19 shall conduct the eriminal background check as expeditiously as possible and shall
20 make a good faith effort to complete all components of the eriminal background check
21 no later than 45 days after the date on which the request was submitted.

22 **SECTION 577.** 48.686 (2) (bd) of the statutes is amended to read:

23 48.686 (2) (bd) Notwithstanding par. (am), the department is not required to
24 obtain the information specified in par. (am) 1. to 10., with respect to a person
25 household member under 18 years of age whose background check request under par.

1 (ag) indicates that the person household member is not ineligible to be permitted to
2 reside at a child care program for a reason specified in sub. (4m) (a) 1. to 8. and with
3 respect to whom the department otherwise has no reason to believe that the person
4 is ineligible to be permitted to reside at the child care program for any of those
5 reasons. This paragraph does not preclude the department from obtaining, at its
6 discretion, the information specified in par. (am) 1. to 10. with respect to a person
7 household member described in this paragraph ~~who is a nonclient resident or a~~
8 ~~potential nonclient resident of a child care program.~~

9 **SECTION 578.** 48.686 (3) (am) of the statutes is amended to read:

10 48.686 (3) (am) Every year or at any time that the department considers
11 appropriate, the department may request the information specified in sub. (2) (am)
12 1. to 5. for all caregivers ~~under sub. (1) (ag) 2., nonclient residents of such a caregiver,~~
13 ~~and caregivers under sub. (1) (ag) 1. who have direct contact with clients. For the~~
14 ~~purposes of this paragraph, “direct contact” means face-to-face physical proximity~~
15 ~~to a client that affords the opportunity to commit abuse or neglect of a client or to~~
16 ~~misappropriate the property of a client, noncaregiver employees, and household~~
17 members.

18 **SECTION 579.** 48.686 (4m) (a) (intro.) of the statutes is amended to read:

19 48.686 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
20 par. (ad) and sub. (5), the department a licensing entity may not license, or continue
21 or renew the license of, a person to operate a child care center under s. 48.65, the
22 department in a county having a population of 750,000 or more, a county
23 department, or an agency contracted with under s. 48.651 (2) may not certify a child
24 care provider under s. 48.651, a school board may not contract with a person under
25 s. 120.13 (14) issue an approval to operate a child care program to a person, and a

1 child care program may not employ or contract with a caregiver specified in sub. (1)
2 ~~(ag) 1. or noncaregiver employee or permit a household member to reside at the child~~
3 ~~care program~~ if the department, county department, contracted agency, school
4 board, licensing entity or child care program knows or should have known any of the
5 following:

6 **SECTION 580.** 48.686 (4m) (a) 1. of the statutes is amended to read:

7 48.686 (4m) (a) 1. That the person has been convicted of a serious crime or
8 adjudicated delinquent ~~on or after his or her 10th birthday~~ for committing a serious
9 crime or that the person is the subject of a pending criminal charge or delinquency
10 petition alleging that the person has committed a serious crime ~~on or after his or her~~
11 ~~10th birthday.~~

12 **SECTION 581.** 48.686 (4m) (a) 2. of the statutes is created to read:

13 48.686 (4m) (a) 2. That the person is registered or is required to be registered
14 on a state sex offender registry or repository or the national sex offender registry.

15 **SECTION 582.** 48.686 (4m) (a) 5. of the statutes is amended to read:

16 48.686 (4m) (a) 5. That the department has determined the person ineligible
17 to be licensed receive an approval to operate a child care center under s. 48.65, to be
18 certified to operate a child care provider under s. 48.651, to contract with a school
19 board under s. 120.13-14) program, to be employed as a caregiver at by a child care
20 program, or to be a ~~nonclient resident at~~ household member of a child care program.

21 **SECTION 583.** 48.686 (4m) (a) 6. of the statutes is amended to read:

22 48.686 (4m) (a) 6. That the person has refused to provide information under
23 sub. (2) (ag), or that the person refused to participate in, cooperate with, or submit
24 required information for the ~~criminal~~ background check described in sub. (2) (am),
25 including fingerprints.

1 **SECTION 584.** 48.686 (4m) (a) 7. of the statutes is amended to read:

2 48.686 **(4m)** (a) 7. That the person knowingly made a materially false
3 statement in connection with the person's ~~criminal~~ background check described in
4 sub. (2).

5 **SECTION 585.** 48.686 (4m) (a) 8. of the statutes is amended to read:

6 48.686 **(4m)** (a) 8. That the person knowingly omitted material information
7 requested in connection with the person's ~~criminal~~ background check conducted
8 under sub. (2).

9 **SECTION 586.** 48.686 (4m) (ad) of the statutes is amended to read:

10 48.686 **(4m)** (ad) ~~The department~~ A licensing entity may ~~license~~ issue an
11 approval to operate a child care center under s. 48.65; ~~the department in a county~~
12 ~~having a population of 750,000 or more, a county department, or an agency~~
13 ~~contracted with under s. 48.651 (2) may certify a child care provider under s. 48.651;~~
14 ~~and a school board may contract with a person under s. 120.13 (14),~~ program to a
15 person conditioned on the receipt of the information specified in sub. (4p) (a)
16 indicating that the person is not ineligible to be so licensed, certified, or contracted
17 with for a reason specified in par. (a) 1. to 8.

18 **SECTION 587.** 48.686 (4m) (c) of the statutes is amended to read:

19 48.686 **(4m)** (c) A child care program may employ or contract with a potential
20 caregiver or noncaregiver employee or permit a potential ~~nonclient resident~~
21 household member to reside at the child care program for up to 45 days from the date
22 a background check request is submitted to the department pending the completion
23 of the department's report under sub. (4p) (a) if the department provides a
24 preliminary report under sub. (4p) (c) to the child care program indicating that the
25 ~~potential caregiver or nonclient resident~~ individual is not ineligible to work or reside

1 at a child care program. At all times that ~~children in care~~ clients of a child care
2 program are present, an individual who received a qualifying result on a background
3 check described in sub. (2) (am) within the past 5 years must supervise a potential
4 employee caregiver, noncaregiver employee, or nonclient-resident household
5 member permitted to work or reside at the child care program under this paragraph.

6 **SECTION 588.** 48.686 (4p) (a) of the statutes is amended to read:

7 48.686 (4p) (a) The department shall provide the results of the ~~criminal~~
8 background check to the child care program in a written report that indicates only
9 that the individual on whom the background check was conducted is eligible or
10 ineligible for employment or to reside at the child care program, without revealing
11 any disqualifying ~~crime~~ offense or other information regarding the individual.

12 **SECTION 589.** 48.686 (4p) (b) of the statutes is amended to read:

13 48.686 (4p) (b) The department shall provide the results of the ~~criminal~~
14 background check to the individual on whom the background check was conducted
15 in a written report that indicates whether the individual is eligible or ineligible for
16 employment or to reside at the child care program. If the individual is ineligible for
17 employment or to reside at the child care program, the department's report shall
18 include information on each disqualifying ~~crime~~ offense and information on the right
19 to appeal.

20 **SECTION 590.** 48.686 (4p) (c) of the statutes is amended to read:

21 48.686 (4p) (c) Before the department completes its report under par. (a), a
22 caregiver under sub. (1) (ag) 2. may submit a written request to the department for
23 a preliminary report indicating whether a potential caregiver, noncaregiver
24 employee, or nonclient-resident household member is eligible to work or reside at a
25 child care program under sub. (4m) (c). If the department receives such a request,

1 it shall provide a written preliminary report to that caregiver indicating whether the
2 individual is barred from ~~employment as a caregiver~~ working or ~~residence as a~~
3 ~~nonclient resident~~ residing at a child care program on the basis of a background
4 check under sub. (2) (am) 1. or 7. If the individual is ineligible for ~~employment or~~
5 ~~residence~~ to work or reside at a child care program based on the results of the
6 preliminary report, the department shall also provide a preliminary report to the
7 individual containing information related to each disqualifying ~~crime~~ offense.

8 **SECTION 591.** 48.686 (4p) (d) of the statutes is amended to read:

9 48.686 (4p) (d) The results of a report under par. (c) may not be appealed by
10 the individual until receipt of the department's report under par. (b) following
11 completion of all components of the ~~criminal~~ background check.

12 **SECTION 592.** 48.686 (4s) (a) of the statutes is amended to read:

13 48.686 (4s) (a) An individual who is the subject of the department's report on
14 the results of a ~~criminal~~ background check may appeal the department's decision.
15 Only the person who is the subject of the department's report may appeal the
16 department's decision. Neither the child care program nor any other person may
17 appeal the department's decision.

18 **SECTION 593.** 48.686 (4s) (b) of the statutes is amended to read:

19 48.686 (4s) (b) An appeal request shall be submitted to the department at the
20 address, e-mail address, or fax number identified in the statement of appeal rights
21 no later than ~~60~~ 10 days after the date of the department's decision, unless the
22 appellant requests, and the department grants, an extension for a specific amount
23 of time prior to expiration of the ~~60~~ 10 day appeal period. Extensions may be granted
24 for good cause shown.

25 **SECTION 594.** 48.686 (4s) (f) of the statutes is amended to read:

1 48.686 (4s) (f) The department shall sustain the results of its ~~eriminal~~
2 background check report if supported by a preponderance of the available evidence.

3 **SECTION 595.** 48.686 (4s) (m) of the statutes is amended to read:

4 48.686 (4s) (m) Notwithstanding s. 19.35, the department may not publicly
5 release or disclose the results of any ~~eriminal~~ individual background report it issues,
6 except that the department may release aggregated data by crime as listed in sub.
7 (1) (c) from ~~eriminal~~ background check results so long as the data does not contain
8 personally identifiable information. The department may disclose and use
9 information obtained in conducting ~~eriminal~~ background checks as necessary during
10 an appeal or reconsideration under this subsection or for another lawful purpose.

11 **SECTION 596.** 48.686 (5) of the statutes is repealed and recreated to read:

12 48.686 (5) (a) A person may have the opportunity to demonstrate his or her
13 rehabilitation to the department or to a tribe authorized to conduct a rehabilitation
14 review under sub. (5d) if any of the following apply:

15 1. An investigation under sub. (2) (am) indicates that sub. (4m) (a) 2., 3., or 4.
16 applies to the person.

17 2. An investigation under sub. (2) (am) indicates that the person has been
18 convicted or adjudicated delinquent of a serious crime as specified under sub. (1) (c)
19 9. or for a violation of the law of any other state or United States jurisdiction that
20 would be a violation listed in sub. (1) (c) 9. if committed in this state, and the person
21 completed his or her sentence, including any probation, parole, or extended
22 supervision, or was discharged by the department of corrections, more than 5 years
23 before the date of the investigation under sub. (2) (am).

24 (b) If the department or tribe determines that the person has demonstrated
25 rehabilitation in accordance with procedures established by the department by rule

1 or by the tribe and by clear and convincing evidence, the prohibition in sub. (4m) (a)
2 does not apply.

3 **SECTION 597.** 48.686 (5c) (a) of the statutes is renumbered 48.686 (5c).

4 **SECTION 598.** 48.686 (5c) (b) of the statutes is repealed.

5 **SECTION 599.** 48.686 (5c) (c) of the statutes is repealed.

6 **SECTION 600.** 48.686 (5g) of the statutes is amended to read:

7 48.686 (5g) On January 1 of each year, the department shall submit a report
8 to the legislature under s. 13.172 (2) that specifies the number of persons in the
9 previous year who have requested to demonstrate that they have been rehabilitated
10 under sub. (5) (a), the number of persons who successfully demonstrated that they
11 have been rehabilitated under sub. (5) (a), and the reasons for the success or failure
12 of a person who has attempted to demonstrate that he or she has been rehabilitated.

13 **SECTION 601.** 48.686 (5m) of the statutes is amended to read:

14 48.686 (5m) Notwithstanding s. 111.335, ~~the department~~ a licensing entity
15 ~~may refuse to license a person~~ issue an approval to operate a child care center, ~~the~~
16 ~~department in a county having a population of 750,000 or more, a county~~
17 ~~department, or an agency contracted with under s. 48.651 (2) may refuse to certify~~
18 ~~a child care provider under s. 48.651, a school board may refuse to contract with a~~
19 ~~person under s. 120.13 (14) program to a person,~~ and a child care program may refuse
20 to employ or contract with a caregiver or noncaregiver employee or permit a
21 ~~nonclient resident~~ household member to reside at the child care program if the
22 person has been convicted of or adjudicated delinquent ~~on or after his or her 10th~~
23 ~~birthday~~ for an offense that is not a serious crime, but that is, in the estimation of
24 the department, substantially related to the care of a client. The department shall
25 notify the provider and the individual of the results of a substantially related

1 determination pursuant to the process set forth in sub. (4p) for eriminal background
2 check determinations. The individual shall have the same appeal rights as set forth
3 in sub. (4s), and the same appeal procedures apply.

4 **SECTION 602.** 48.686 (7) of the statutes is amended to read:

5 48.686 (7) The department shall conduct throughout the state periodic training
6 sessions that cover procedures and uses of eriminal background investigations;
7 reporting and investigating misappropriation of property or abuse or neglect of a
8 client; and any other material that will better enable entities to comply with the
9 requirements of this section.

10 **SECTION 603.** 48.715 (4g) (a) of the statutes is amended to read:

11 48.715 (4g) (a) If a person who has been issued a license under s. 48.66 (1) (a)
12 or a probationary license under s. 48.69 to operate a child care center is convicted of
13 a serious crime, as defined in s. 48.686 (1) (c), if a caregiver specified in s. 48.686 (1)
14 (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a
15 background check under s. 48.686 (2) who operates, works at, or resides at a child
16 care center is convicted or adjudicated delinquent for committing a serious crime on
17 or after his or her 10th birthday, or if the results of a eriminal background check
18 conducted under s. 48.686 indicate that the person, caregiver, or nonclient resident
19 household member, or noncaregiver employee is not eligible to be licensed, certified,
20 or employed, or permitted to reside at a child care program, the department shall
21 revoke the license of the child care center immediately upon providing written notice
22 of revocation and the grounds for revocation and an explanation of the process for
23 appealing the revocation.

24 **SECTION 604.** 48.715 (4g) (b) of the statutes is amended to read:

1 ~~48.715 (4g) (b) If a person who has been issued a license under s. 48.66 (1) (a)~~
2 ~~or a probationary license under s. 48.69 to operate a child care center is the subject~~
3 ~~of a pending criminal charge alleging that the person has committed a serious crime,~~
4 ~~as defined in s. 48.686 (1) (e), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a~~
5 ~~nonclient resident, as defined in s. 48.686 (1) (bm), of the subject to a background~~
6 ~~check under s. 48.686 (2) who operates, works at, or resides at a child care center is~~
7 ~~the subject of a pending criminal charge or delinquency petition alleging that the~~
8 ~~person has committed a serious crime ~~on or after his or her 10th birthday,~~ the~~
9 ~~department shall immediately suspend the license of the child care center until the~~
10 ~~department obtains information regarding the final disposition of the charge or~~
11 ~~delinquency petition indicating that the person is not ineligible to be licensed to~~
12 ~~operate, work at, or reside at a child care center.~~

13 **SECTION 605.** 48.981 (7) (a) 4p. of the statutes is amended to read:

14 48.981 (7) (a) 4p. A public or private agency in this state or any other state that
15 is investigating a person for purposes of licensing the person to operate a foster home
16 or placing a child for adoption in the home of the person or for the purposes of
17 conducting a background investigation of an adult congregate care worker, as
18 defined in s. 48.685 (1) (ap).

19 **SECTION 606.** 49.133 of the statutes is repealed.

20 **SECTION 607.** 49.1385 of the statutes is amended to read:

21 **49.1385 Grants for services for homeless and runaway youth.** The
22 department may award not more than \$100,000 \$400,000 in each fiscal year in
23 grants to support programs that provide services for homeless and runaway youth.

24 **SECTION 633.** 49.155 (6) (b) of the statutes is amended to read:

1 49.155 (6) (b) The department shall set maximum payment rates for Level I
2 certified family child care providers certified under s. 48.651 (1) (a) for services
3 provided to eligible individuals under this section. The maximum rates set under
4 this paragraph may not exceed ~~75~~ 90 percent of the rates established under par. (a).

5 **SECTION 634.** 49.155 (6) (c) of the statutes is amended to read:

6 49.155 (6) (c) The department shall set maximum payment rates for Level II
7 certified family child care providers for services provided to eligible individuals
8 under this section. The maximum rates set under this paragraph may not exceed ~~50~~
9 90 percent of the rates established under par. (a).

10 **SECTION 635.** 49.155 (7) (a) 1. of the statutes is amended to read:

11 49.155 (7) (a) 1. ~~If a child care provider is convicted of a serious crime, as defined~~
12 ~~in s. 48.686 (1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. a. or a nonclient~~
13 ~~resident, as defined in s. 48.686 (1) (bm), of the person subject to a background check~~
14 ~~under s. 48.686 (2) who operates, works at, or resides at a child care provider is~~
15 ~~convicted or adjudicated delinquent for committing a serious crime on or after his or~~
16 ~~her 10th birthday, as defined in s. 48.686 (1) (c), or if the department provides written~~
17 ~~notice under s. 48.686 (4p) that the child care provider, caregiver, or nonclient~~
18 ~~resident person is ineligible for certification, employment, or residence to operate,~~
19 ~~work at, or reside at the child care provider, the department or the county~~
20 ~~department under s. 46.215, 46.22, or 46.23 shall refuse to allow payment to the child~~
21 ~~care provider for any child care provided under this section beginning on the date of~~
22 ~~the conviction or delinquency adjudication.~~

23 **SECTION 636.** 49.155 (7) (a) 2. of the statutes is amended to read:

24 49.155 (7) (a) 2. ~~If a child care provider is the subject of a pending criminal~~
25 ~~charge alleging that the person has committed a serious crime, as defined in s. 48.686~~

1 ~~(1) (c), or if a caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as~~
2 ~~defined in s. 48.686 (1) (bm), of the person subject to a background check under s.~~
3 ~~48.686 (2) who operates, works at, or resides at a child care provider is the subject~~
4 ~~of a pending criminal charge or delinquency petition alleging that the person has~~
5 ~~committed a serious crime on or after his or her 10th birthday, as defined in s. 48.686~~
6 ~~(1) (c), the department or the county department under s. 46.215, 46.22, or 46.23 shall~~
7 ~~immediately suspend refuse to allow payment to the child care provider for any child~~
8 ~~care provided under this section until the department obtains information regarding~~
9 ~~the final disposition of the charge or delinquency petition indicating that the person~~
10 ~~is not ineligible to receive such a payment operate, work at, or reside at the child care~~
11 ~~provider.~~

12 **SECTION 637.** 49.155 (7) (b) of the statutes is repealed and recreated to read:

13 49.155 (7) (b) 1. If a person subject to a background check under s. 48.686 (2)
14 who operates, works at, or resides at a child care provider has been convicted or
15 adjudicated delinquent for committing an offense that is not a serious crime, as
16 defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that
17 the offense substantially relates to the care of children or the department determines
18 that the offense substantially relates to the operation of a business, the department
19 or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow
20 payment to the child care provider for child care provided under this section.

21 2. If a person subject to a background check under s. 48.686 (2) who operates,
22 works at, or resides at a child care provider is the subject of a pending criminal charge
23 or delinquency petition for committing an offense that is not a serious crime, as
24 defined in s. 48.686 (1) (c), but the department determines under s. 48.686 (5m) that
25 the offense substantially relates to the care of children or the department determines

1 that the offense substantially relates to the operation of a business, the department
2 or the county department under s. 46.215, 46.22, or 46.23 may refuse to allow
3 payment to the child care provider for child care provided under this section.

4 **SECTION 640m.** 49.163 (2) (am) 2. of the statutes is amended to read:

5 49.163 (2) (am) 2. If over ~~24~~ 25 years of age, be a biological or adoptive parent
6 of a child under 18 years of age whose parental rights to the child have not been
7 terminated or be a relative and primary caregiver of a child under 18 years of age.

8 **SECTION 643.** 49.175 (1) (intro.) of the statutes is amended to read:

9 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in subs. sub. (2)
10 and (3), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (dz), (k),
11 (kx), (L), (mc), (md), (me), and (s) and (3) (kp), the department shall allocate the
12 following amounts for the following purposes:

13 **SECTION 644.** 49.175 (1) (a), (b), (c), (g), (i), (k), (n), (o), (p), (q), (qm), (r), (s), (t),
14 (u), (v), (y) and (z) of the statutes are amended to read:

15 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
16 ~~\$42,500,000~~ \$31,110,000 in fiscal year ~~2017-18~~ 2019-20 and ~~\$44,625,000~~
17 \$31,732,200 in fiscal year ~~2018-19~~ 2020-21.

18 (b) *Wisconsin Works agency contracts; job access loans.* For contracts with
19 Wisconsin Works agencies under s. 49.143 and for job access loans under s. 49.147
20 (6), ~~\$52,000,000~~ \$50,000,000 in fiscal year ~~2017-18~~ 2019-20 and ~~\$54,600,000~~
21 \$50,000,000 in fiscal year ~~2018-19~~ 2020-21.

22 (c) *Case management incentive payments.* For supplement payments to
23 individuals under s. 49.255, ~~\$2,700,000~~ in fiscal year ~~2017-18~~ 2019-20 and
24 ~~\$2,700,000~~ in fiscal year ~~2018-19~~ 2020-21.

1 (g) *State administration of public assistance programs and overpayment*
2 *collections.* For state administration of public assistance programs and the collection
3 of public assistance overpayments, ~~\$15,987,000~~ \$16,671,200 in fiscal year 2017-18
4 2019-20 and ~~\$15,902,900~~ \$17,268,300 in fiscal year 2018-19 2020-21.

5 (i) *Emergency assistance.* For emergency assistance under s. 49.138 and for
6 transfer to the department of administration for low-income energy or
7 weatherization assistance programs, ~~\$7,000,000~~ \$6,000,000 in each fiscal year.

8 (k) *Transform Milwaukee and Transitional Jobs programs.* For contract costs
9 under the Transform Milwaukee Jobs program and the Transitional Jobs program
10 under s. 49.163, ~~\$7,000,000~~ \$8,500,000 in fiscal year 2017-18 2019-20 and
11 ~~\$8,000,000~~ \$9,500,000 in fiscal year 2018-19 2020-21.

12 (n) *Fostering futures: connections count.* For funding community connectors to
13 interact with vulnerable families with young children and to connect families with
14 formal and informal community support, ~~\$360,300 in fiscal year 2017-18 and~~
15 ~~\$560,300 in fiscal year 2018-19~~ \$560,300 in each fiscal year.

16 (o) *Evidence-based substance abuse prevention grants.* For grants awarded
17 under s. 48.545 (2) (c), ~~\$500,000 in each~~ fiscal year 2018-19.

18 (p) *Direct child care services.* For direct child care services under s. 49.155,
19 ~~\$289,215,200 or 49.257, \$357,097,500~~ in fiscal year 2017-18 2019-20 and
20 ~~\$318,369,200~~ \$365,700,400 in fiscal year 2018-19 2020-21.

21 (q) *Child care state administration and licensing activities.* For state
22 administration of child care programs under s. 49.155 and for child care licensing
23 activities, ~~\$36,189,400~~ \$40,152,100 in fiscal year 2017-18 2019-20 and ~~\$36,030,000~~
24 \$41,555,200 in fiscal year 2018-19 2020-21.

1 (qm) *Quality care for quality kids.* For the child care quality improvement
2 activities specified in s. ss. 49.155 (1g) and 49.257, ~~\$15,652,700~~ \$16,532,900 in each
3 fiscal year 2019-20 and \$16,683,700 in fiscal year 2020-21.

4 (r) *Children of recipients of supplemental security income.* For payments made
5 under s. 49.775 for the support of the dependent children of recipients of
6 supplemental security income, ~~\$26,938,000~~ \$25,013,300 in each fiscal year.

7 (s) *Kinship care and long-term kinship care assistance.* For kinship care and
8 long-term kinship care payments under s. 48.57 (3m) (am) and (3n) (am), for
9 assessments to determine eligibility for those payments, and for agreements under
10 s. 48.57 (3t) with the governing bodies of Indian tribes for the administration of the
11 kinship care and long-term kinship care programs within the boundaries of the
12 reservations of those tribes, ~~\$22,012,100~~ \$26,640,000 in fiscal year 2017-18 2019-20
13 and ~~\$22,741,200~~ \$28,159,200 in fiscal year 2018-19 2020-21.

14 (t) *Safety and out-of-home placement services.* For services provided to ensure
15 the safety of children who the department or a county determines may remain at
16 home if appropriate services are provided, and for services provided to families with
17 children placed in out-of-home care, ~~\$6,282,500~~ \$8,314,300 in fiscal year 2017-18
18 2019-20 and ~~\$7,314,300~~ \$9,314,300 in fiscal year 2018-19 2020-21. To receive
19 funding under this paragraph, a county shall match a percentage of the amount
20 received that is equal to the percentage the county is required to match for a
21 distribution under s. 48.563 (2) as specified by the schedule established by the
22 department under s. 48.569 (1) (d).

23 (u) *Prevention services.* For services to prevent child abuse or neglect,
24 ~~\$5,289,600~~ in each fiscal year \$5,789,600 in fiscal year 2019-20 and \$6,789,600 in
25 fiscal year 2020-21.

1 (v) *General education development.* For general education development testing
2 and preparation for individuals who are eligible for temporary assistance for needy
3 families under 42 USC 601 et seq., ~~\$115,000~~ \$175,000 in each fiscal year.

4 (y) *Offender reentry demonstration project.* For the offender reentry
5 demonstration project under s. 49.37 (1), ~~\$187,500 in fiscal year 2017-18 and~~
6 ~~\$250,000 in fiscal year 2018-19~~ \$250,000 in each fiscal year.

7 (z) *Grants to the Boys and Girls Clubs of America.* For grants to the Wisconsin
8 Chapter of the Boys and Girls Clubs of America to fund programs that improve social,
9 academic, and employment skills of youth who are eligible to receive temporary
10 assistance for needy families under 42 USC 601 et seq., focusing on study habits,
11 intensive tutoring in math and English, and exposure to career options and role
12 models, ~~\$1,275,000~~ \$2,675,000 in each fiscal year. Grants provided under this
13 paragraph may not be used by the grant recipient to replace funding for programs
14 that are being funded, when the grant proceeds are received, with moneys other than
15 those from the appropriations specified in sub. (1) (intro.). The total amount of the
16 grants includes funds for the ~~Green Bay Boys and Girls Clubs for the BE GREAT:~~
17 ~~Graduate program in the amount of matching funds that the program provides, up~~
18 ~~to \$75,000~~ \$1,400,000 in each fiscal year, to be used only for activities for which
19 federal Temporary Assistance for Needy Families block grant moneys may be used.
20 The total amount of the grants also includes funds to be equally distributed among
21 the ~~Milwaukee, Oshkosh, and Appleton Boys and Girls Clubs for the BE GREAT:~~
22 ~~Graduate program in the amount of matching funds that the program provides, up~~
23 ~~to \$100,000 in each fiscal year, to be used only for activities for which federal~~
24 ~~Temporary Assistance for Needy Families block grant moneys may be used.~~

25 **SECTION 644c.** 49.175 (1) (fa) of the statutes is created to read:

1 49.175 (1) (fa) *Homeless case management services grants; additional funding.*
2 For grants to shelter facilities under s. 16.3085, \$500,000 in fiscal year 2019-20 and
3 \$500,000 in fiscal year 2020-21. All moneys allocated under this paragraph shall be
4 credited to the appropriation account under s. 20.865 (4) (g) for the purpose of
5 supplementing the appropriation under s. 20.505 (7) (kg).

6 **SECTION 648.** 49.257 of the statutes is created to read:

7 **49.257 Milwaukee child care grant program.** (1) In this section, “child
8 care provider” has the meaning given in s. 49.155 (1) (ag).

9 (2) From the allocation under s. 49.175 (1) (p), the department may award
10 grants to child care providers to support access to high-quality child care for families
11 that reside in a geographic area with high-poverty levels, as identified by the
12 department, in the city of Milwaukee. A grant under this section may be used for
13 start-up costs, ongoing operational costs, including subsidy payments for eligible
14 families, and quality improvement activities. A child care provider that is awarded
15 a grant under this subsection shall contribute matching funds equal to 25 percent
16 of the amount awarded. The matching contribution may be in the form of money or
17 in-kind goods or services.

18 (3) From the allocation under s. 49.175 (1) (qm), the department may award
19 grants to any of the following to improve overall child care quality in the geographic
20 area identified under sub. (2):

21 (a) Child care providers and employees of child care providers.

22 (b) Educational institutions for the purpose of educating employees of child
23 care providers.

24 **SECTION 650m.** 49.36 (7) of the statutes is amended to read:

1 49.36 (7) The department shall pay a county, tribal governing body, or
2 Wisconsin works agency not more than \$400 ~~\$800~~ for each person who participates
3 in the program under this section in the region in which the county, tribal governing
4 body, or Wisconsin works agency administers the program under this section. The
5 county, tribal governing body, or Wisconsin works agency shall pay any additional
6 costs of the program.

7 **SECTION 651.** 49.45 (2) (a) 23. of the statutes is amended to read:

8 49.45 (2) (a) 23. Promulgate rules that define “supportive services”, “personal
9 services” and “nursing services” provided in a certified residential care apartment
10 complex, as defined under s. 50.01 (6d), for purposes of reimbursement under ss.
11 ~~46.27 (11) (e) 7. and s. 46.277 (5) (e).~~

12 **SECTION 654.** 49.45 (3) (a) of the statutes is amended to read:

13 49.45 (3) (a) Reimbursement shall be made to each county department under
14 ss. 46.215, 46.22, and 46.23 for any administrative services performed in the Medical
15 Assistance program on the basis of s. 49.78 (8). ~~For purposes of reimbursement~~
16 ~~under this paragraph, assessments completed under s. 46.27 (6) (a) are~~
17 ~~administrative services performed in the Medical Assistance program.~~

18 **SECTION 659.** 49.45 (3p) (a) of the statutes is amended to read:

19 49.45 (3p) (a) Subject to par. (c) and notwithstanding sub. (3) (e), from the
20 appropriations under s. 20.435 (4) (b) and (o), in each fiscal year, the department
21 shall pay to hospitals that ~~would~~ are not eligible for payments under sub. (3m) but
22 that meet the criteria under sub. (3m) (a) except that the hospitals do not provide
23 obstetric services 1. and 2. and that, in the most recent year for which information
24 is available, charged at least 6 percent of overall charges for services to the Medical
25 Assistance program for services provided to Medical Assistance recipients an

1 amount equal to the sum of ~~\$250,000~~ \$2,000,000, as the state share of payments, and
2 the matching federal share of payments. The department may make a payment to
3 a hospital under this subsection under a calculation method determined by the
4 department that provides a fee-for-service supplemental payment that increases as
5 the hospital's percentage of inpatient days for Medical Assistance recipients at the
6 hospital the total amount of the hospital's overall charges for services that are
7 charges to the Medical Assistance program increases.

8 **SECTION 660.** 49.45 (5) (a) of the statutes is amended to read:

9 49.45 (5) (a) Any person whose application for medical assistance is denied or
10 is not acted upon promptly or who believes that the payments made in the person's
11 behalf have not been properly determined or that his or her eligibility has not been
12 properly determined may file an appeal with the department pursuant to par. (b).
13 Review is unavailable if the decision or failure to act arose more than 45 days before
14 submission of the petition for a hearing, except as provided in par. (ag) or (ar).

15 **SECTION 661.** 49.45 (5) (ag) of the statutes is created to read:

16 49.45 (5) (ag) A person shall request a hearing within 90 days of the date of
17 receipt of a notice from a care management organization or managed care
18 organization upholding its adverse benefit determination relating to any of the
19 following or within 90 days of the date the care management organization or
20 managed care organization failed to act on the contested matter within the time
21 specified by the department:

22 1. Denial or limited authorization of a requested services, including a
23 determination based on the type or level of service, requirement for medical
24 necessity, appropriateness, setting, or effectiveness of a covered benefit.

1 2. Reduction, suspension, or termination of a previously authorized service,
2 unless the service was only authorized for a limited amount or duration and that
3 amount or duration has been completed.

4 3. Denial, in whole or in part, of payment for a service.

5 4. Failure to provide services in a timely manner.

6 5. Failure of a care management organization or managed care organization
7 to act within the time frames provided in 42 CFR 438.408 (b) (1) and (2) regarding
8 the standard resolution of grievances and appeals.

9 6. Denial of an enrollee's request to dispute financial liability, including
10 copayments, premiums, deductibles, coinsurance, other cost sharing, and other
11 member financial liabilities.

12 7. Denial of an enrollee, who is a resident of a rural area with only one care
13 management organization or managed care organization, to obtain services outside
14 the organization's network of contracted providers.

15 **SECTION 662.** 49.45 (5) (ar) of the statutes is created to read:

16 49.45 (5) (ar) If a federal regulation specifies a different time limit to request
17 a hearing than par. (a) or (ag), the time limit in the federal regulation shall apply.

18 **SECTION 663.** 49.45 (5) (b) 1. (intro.) of the statutes is amended to read:

19 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
20 department shall give the applicant or recipient reasonable notice and opportunity
21 for a fair hearing. The department may make such additional investigation as it
22 considers necessary. Notice of the hearing shall be given to the applicant or recipient
23 and, if a county department under s. 46.215, 46.22, or 46.23 is responsible for making
24 the medical assistance determination, to the county clerk of the county. The county
25 may be represented at such hearing. The department shall render its decision as

1 soon as possible after the hearing and shall send a certified copy of its decision to the
2 applicant or recipient, to the county clerk, and to any county officer charged with
3 administration of the Medical Assistance program. The decision of the department
4 shall have the same effect as an order of a county officer charged with the
5 administration of the Medical Assistance program. The decision shall be final, but
6 may be revoked or modified as altered conditions may require. The department shall
7 deny a petition for a hearing or shall refuse to grant relief if:

8 **SECTION 664.** 49.45 (5) (b) 1. d. of the statutes is created to read:

9 49.45 (5) (b) 1. d. The issue is an adverse benefit determination described in
10 par. (ag) 1. to 7. made by a care management organization or managed care
11 organization and the person requesting the hearing has not exhausted the internal
12 appeal procedure with the organization.

13 **SECTION 664r.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

14 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
15 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
16 serve the developmentally disabled, that take into account direct care costs for a
17 sample of all of those facilities in this state and separate standards for payment of
18 allowable direct care costs, for facilities that primarily serve the developmentally
19 disabled, that take into account direct care costs for a sample of all of those facilities
20 in this state. The standards shall be adjusted by the department for regional labor
21 cost variations. The department shall in the single labor region that is composed of
22 Milwaukee, Ozaukee, Washington, and Waukesha counties include Racine County
23 and shall adjust payment so that the direct care cost targets of facilities in
24 Milwaukee, Ozaukee, Washington, and Waukesha counties are not reduced as a
25 result of including facilities in Racine County in this labor region. The department

1 shall treat as a single labor region the counties of Dane, Dodge, Iowa, Columbia,
2 Richland, Sauk, and Rock and shall adjust payment so that the direct care cost
3 targets of facilities in Dane, Iowa, Columbia, and Sauk counties are not reduced as
4 a result of including facilities in Dodge, Richland, and Rock Counties in this labor
5 region. For facilities in Douglas, Dunn, Pierce, and St. Croix counties, the
6 department shall perform the adjustment by use of the wage index that is used by
7 the federal department of health and human services for hospital reimbursement
8 under 42 USC 1395 to 1395ggg.

9 **SECTION 665.** 49.45 (6m) (c) 5. of the statutes is amended to read:

10 49.45 **(6m)** (c) 5. Admit only patients assessed ~~or who waive or are exempt from~~
11 ~~the requirement of assessment under s. 46.27 (6) (a) or~~, if required under s. 50.035
12 (4n) or 50.04 (2h), who have been referred to a resource center.

13 **SECTION 666.** 49.45 (6m) (L) of the statutes is amended to read:

14 49.45 **(6m)** (L) For purposes of ~~ss. 46.27 (11) (e) 7. and s. 46.277 (5) (e)~~, the
15 department shall, by July 1 annually, determine the statewide medical assistance
16 daily cost of nursing home care and submit the determination to the department of
17 administration for review. The department of administration shall approve the
18 determination before payment may be made under ~~s. 46.27 (11) (e) 7. or 46.277 (5)~~
19 (e).

20 **SECTION 677.** 49.45 (29w) (b) 1. b. of the statutes is amended to read:

21 49.45 **(29w)** (b) 1. b. “Telehealth” is means a service provided from a remote
22 location using a combination of interactive video, audio, and externally acquired
23 images through a networking environment between an individual or a provider at
24 an originating site and a provider at a remote location with the service being of
25 sufficient audio and visual fidelity and clarity as to be functionally equivalent to

1 face-to-face contact; or, in circumstances determined by the department, an
2 asynchronous transmission of digital clinical information through a secure
3 electronic communications system from one provider to another provider.
4 “Telehealth” does not include telephone conversations or Internet-based
5 communications between providers or between providers and individuals.

6 **SECTION 678.** 49.45 (29y) (d) of the statutes is repealed.

7 **SECTION 680.** 49.45 (41) of the statutes is amended to read:

8 49.45 (41) ~~MENTAL HEALTH CRISIS~~ CRISIS INTERVENTION SERVICES. (a) In this
9 subsection, “~~mental health crisis intervention services~~” means crisis intervention
10 services for the treatment of mental illness, intellectual disability, substance abuse,
11 and dementia that are provided by a ~~mental health crisis intervention program~~
12 operated by, or under contract with, a county, if the county is certified as a medical
13 assistance provider.

14 (b) If a county elects to become certified as a provider of ~~mental health crisis~~
15 ~~intervention services~~, the county may provide ~~mental health crisis intervention~~
16 ~~services~~ under this subsection in the county to medical assistance recipients through
17 the medical assistance program. A county that elects to provide the services shall
18 pay the amount of the allowable charges for the services under the medical
19 assistance program that is not provided by the federal government. The department
20 shall reimburse the county under this subsection only for the amount of the allowable
21 charges for those services under the medical assistance program that is provided by
22 the federal government.

23 **SECTION 681.** 49.45 (41) (c) of the statutes is created to read:

1 49.45 (41) (c) Notwithstanding par. (b), if a county elects to deliver crisis
2 intervention services under the Medical Assistance program on a regional basis
3 according to criteria established by the department, all of the following apply:

4 1. After January 1, 2020, the department shall require the county to annually
5 contribute for the crisis intervention services an amount equal to 75 percent of the
6 annual average of the county's expenditures for crisis intervention services under
7 this subsection in calendar years 2016, 2017, and 2018, as determined by the
8 department.

9 2. The department shall reimburse the provider of crisis intervention services
10 in the county the amount of allowable charges for those services under the Medical
11 Assistance program, including both the federal share and nonfederal share of those
12 charges, that exceeds the amount of the county contribution required under subd. 1.

13 3. If a county submits a certified cost report under s. 49.45 (52) (b) to claim
14 federal medical assistance funds, the claim based on certified costs made by a county
15 for amounts under subd. 2. may not include any part of the nonfederal share of the
16 amount under subd. 2.

17 **SECTION 682.** 49.45 (47) (b) of the statutes is amended to read:

18 49.45 (47) (b) No person may receive reimbursement under ~~s. 46.27(11)~~ for the
19 provision of services to clients in an adult day care center unless the adult day care
20 center is certified by the department under sub. (2) (a) 11. as a provider of medical
21 assistance.

22 **SECTION 683.** 49.45 (47) (dm) of the statutes is created to read:

23 49.45 (47) (dm) Every 24 months, on a schedule determined by the department,
24 an adult day care center shall submit through an online system prescribed by the
25 department a report in the form and containing the information that the department

1 requires, including payment of any fee due under par. (c). If a complete report is not
2 timely filed, the department shall issue a warning to the operator of the adult day
3 care center. The department may revoke an adult day care center's certification for
4 failure to timely and completely report within 60 days after the report date
5 established under the schedule determined by the department.

6 **SECTION 686.** 49.46 (1) (a) 14. of the statutes is amended to read:

7 49.46 (1) (a) 14. Any person who would meet the financial and other eligibility
8 requirements for home or community-based services under s. ~~46.27 (11)~~, 46.277, or
9 46.2785 but for the fact that the person engages in substantial gainful activity under
10 42 USC 1382c (a) (3), if a waiver under s. 49.45 (38) is in effect or federal law permits
11 federal financial participation for medical assistance coverage of the person and if
12 funding is available for the person under s. ~~46.27 (11)~~, 46.277, or 46.2785.

13 **SECTION 687.** 49.46 (1) (em) of the statutes is amended to read:

14 49.46 (1) (em) To the extent approved by the federal government, for the
15 purposes of determining financial eligibility and any cost-sharing requirements of
16 an individual under par. (a) 6m., 14., or 14m., (d) 2., or (e), the department or its
17 designee shall exclude any assets accumulated in a person's independence account,
18 as defined in s. 49.472 (1) (c), and any income or assets from retirement benefits
19 earned or accumulated from income or employer contributions while employed and
20 receiving ~~state-funded benefits under s. 46.27~~ or medical assistance under s. 49.472.

21 **SECTION 689.** 49.46 (2) (b) 8. of the statutes is amended to read:

22 49.46 (2) (b) 8. Home or community-based services, if provided under s. ~~46.27~~
23 ~~(11)~~, 46.275, 46.277, 46.278, 46.2785, 46.99, or under the family care benefit if a
24 waiver is in effect under s. 46.281 (1d), or under the disabled children's long-term
25 support program, as defined in s. 46.011 (1g).

1 **SECTION 691.** 49.46 (2) (b) 15. of the statutes is amended to read:

2 49.46 (2) (b) 15. ~~Mental health crisis~~ Crisis intervention services under s. 49.45
3 (41).

4 **SECTION 696.** 49.47 (4) (as) 1. of the statutes is amended to read:

5 49.47 (4) (as) 1. The person would meet the financial and other eligibility
6 requirements for home or community-based services under s. 46.27 (11), 46.277, or
7 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d)
8 but for the fact that the person engages in substantial gainful activity under 42 USC
9 1382c (a) (3).

10 **SECTION 697.** 49.47 (4) (as) 3. of the statutes is amended to read:

11 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11), 46.277,
12 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1d).

13 **SECTION 698.** 49.47 (4) (b) (intro.) of the statutes is amended to read:

14 49.47 (4) (b) (intro.) Eligibility exists if the applicant's property, subject to the
15 exclusion of any amounts under the Long-Term Care Partnership Program
16 established under s. 49.45 (31), any amounts in an independence account, as defined
17 in s. 49.472 (1) (c), or any retirement assets that accrued from employment while the
18 applicant was eligible for the community options program under s. 46.27 (11), 2017
19 stats., or any other Medical Assistance program, including deferred compensation
20 or the value of retirement accounts in the Wisconsin Retirement System or under the
21 federal Social Security Act, does not exceed the following:

22 **SECTION 706.** 49.472 (3) (b) of the statutes is amended to read:

23 49.472 (3) (b) The individual's assets do not exceed \$15,000. In determining
24 assets, the department may not include assets that are excluded from the resource
25 calculation under 42 USC 1382b (a), assets accumulated in an independence

1 account, and, to the extent approved by the federal government, assets from
2 retirement benefits accumulated from income or employer contributions while
3 employed and receiving medical assistance under this section or state-funded
4 benefits under s. 46.27, 2017 stats. The department may exclude, in whole or in part,
5 the value of a vehicle used by the individual for transportation to paid employment.