

**ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH SERVICES
REPORT TO THE LEGISLATURE
CLEARINGHOUSE RULE 10-145
CH. DHS 88, Licensed Adult Family Homes**

Basis and Purpose of Proposed Rule

Section 50.033 (2), Stats., authorizes the Department to establish rules for the operation of licensed adult family homes designed to protect and promote the health, safety and welfare of adults receiving care. Section 227.11 (2) (a), Stats., allows agencies to promulgate rules interpreting the provision of any statute enforced or administered by the agency if the agency considers it necessary to effectuate the purpose of the statute.

Section 50.033 (2s), Stats., (2005-06), required licensed adult family homes to, within the time period specified by the department by rule, refer to a resource center under s. 46.283, Stats., persons seeking admission, who were at least 65 years of age or who had a developmental disability or physical disability lasting at least 90 days, unless specified conditions applied. The required rules were promulgated by the Department under s. DHS 88.06 (4).

Section 50.033 (2s), Stats., was repealed by 2007 Act 20. The Department proposes in this order to repeal s. DHS 88.06 (4) because the rules are no longer required.

Responses to Legislative Council Rules Clearinghouse Recommendations

The Legislative Council Rules Clearinghouse had no comments regarding the proposed rule.

Final Regulatory Flexibility Analysis

The rule will not have a fiscal effect on businesses.

Changes to the Analysis or Fiscal Estimate

Analysis

No changes were made to the rule's analysis.

Fiscal Estimate

No changes were made to the fiscal estimate.

Public Hearing Summary

The Department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website on December 28, 2010. The Department did not hold a public hearing on the proposed rule. The proposed changes bring the existing rules into conformity with s. 50.033, Stats., which was revised under 2007 Act 20. Pursuant to s. 227.16 (2) (b), Stats., a public hearing is not required when proposed changes bring existing rules into conformity with statute. Public comments on the proposed rule were accepted until February 1, 2011. No comments were received on the proposed rule.