

**RULEMAKING REPORT TO LEGISLATURE**

**CLEARINGHOUSE RULE 25-004**

Ch. DHS 105 & 107

**Basis and Purpose of Proposed Rule**

The Department of Health Services' administrative code outlines certification criteria for prenatal care coordinator ("PNCC") providers in DHS 105.52 and covered PNCC services in s. DHS 107.34. Previously, certified PNCC providers in Milwaukee County and the City of Racine were automatically certified to provide child care coordination ("CCC") services, and rules did not contain specific CCC certification criteria or identify which specific services were covered under the CCC benefit.

Due to concerns about fraud, waste, and abuse among providers of the CCC benefit, the department paused enrollment of CCC providers from November 2023 to December 2024 under a federally approved moratorium.

In order to mitigate the risk of future fraud, waste, and abuse within PNCC or CCC provider enrollment and reimbursement, the department proposes rules for both benefits to achieve the following:

- Update PNCC certification criteria and documentation requirements, and to set records retention requirements.
- Create CCC certification criteria and documentation requirements, and to set records retention requirements.
- Update which services are and are not covered under the PNCC benefit.
- Identify which services are and are not covered under the CCC benefit.

**Department Response to Legislative Council Rules Clearinghouse Recommendations**

The department accepts the recommendations made by the Legislative Council Rules Clearinghouse and has modified the proposed rules where suggested except as follows:

Clearinghouse Comment 2.n.

- *Comment:* In SECTION 25 of the proposed rule, in s. DHS 105.525 (6) (c), consider merging the introduction and subunits under a single reference to "the resources identified in s. DHS 105.52 (4) (c)", in its entirety. This would capture the proposed rule's new provisions in s. DHS 105.52 (4) (c) 10g. and 10r., and existing subd. 11., rather than duplicating that language.
- *Department response:* The Department modified s. DHS 105.525 (6) (c) to include references to s. DHS 105.52 (4) (c) 10g. and 10r., but not subd. 11. Section DHS 105.52 (4) (c) 11. refers to MA-certified primary care and obstetric providers. Child care coordination extends postpartum, so referrals should be made to pediatric providers and not obstetric providers.

Clearinghouse Comment 4.c.

- *Comment:* In SECTION 25 of the proposed rule, in s. DHS 105.525 (2) (c), is there a reason why the duties that must be performed by a qualified professional reference only s. DHS 105.52 (2) (c) 1. to 4., instead of subds. 1. to 5.? If a reference to only subds. 1. to 4. is intended, this comment may be disregarded.
- *Department response:* The reference only intended to include s. DHS 105.52 (2) (c) 1. to 4. Subdivision 5. is specific to Prenatal Care Coordination under s. DHS 105.52 and does not apply to Child Care Coordination under s. DHS 105.525.

**Final Regulatory Flexibility Analysis**

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The issues raised by each small business during the public hearing(s):

No issues were raised by any small business during the public hearing.

Any changes in the rule as a result of an alternative suggested by a small business and the reasons for rejecting any of those alternatives.

Not applicable, no changes were made to the rule's analysis.

The nature of any reports and estimated cost of their preparation by small businesses that must comply with the rule.

Not applicable.

The nature and estimated costs of other measures and investments that will be required by small businesses in complying with the rule.

There will be a small cost for providers to perform background checks on qualified professionals and additional documentation requirements.

The reason for including or not including in the proposed rule any of the following methods for reducing the rule's impact on small businesses, including additional cost, if any, to the department for administering or enforcing a rule which includes methods for reducing the rule's impact on small businesses and the impact on public health, safety and welfare, if any, caused by including methods in rules

Not applicable.

**Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis**

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The Department did not receive any comments on the economic impact analysis. No changes were made to the economic impact analysis.

**Public Hearing Summary**

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The Department began accepting public comments on the proposed rule via the Wisconsin Legislature's Clearinghouse Rules website, and through the Department's Administrative Rules website on February 17, 2025. A public hearing was held on February 27, 2025, in Microsoft Teams. Public comments on the proposed rule were accepted until the end of the day on February 27, 2025.

No persons attended the public hearing or submitted comments on the proposed rule.

**List of the persons who appeared or registered for or against the Proposed Rule at the Public Hearing.**

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No person appeared or registered for or against the proposed rule at the public hearing.

**Summary of Public Comments to the Proposed Rule and the Agency's response to those comments, and an explanation of any modification made in the proposed rule as a result of public comments or testimony received at the Public Hearing.**

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No comments were received on the proposed rule.

## Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		x	
Department response to Rules Clearinghouse recommendations	x		
Final Regulatory Flexibility Analysis	x		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis	x		
Public Hearing Summary	x		
List of Public Hearing Attendees and Commenters	x		
Summary of Public Comments and Department Responses	x		
Fiscal Estimate/Economic Impact Analysis		x	
Revised Fiscal Estimate/Economic Impact Analysis			x
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			x
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			x
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			x
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			x