

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis (EIA)

1. Type of estimate and analysis:

☒ Original ☐ Updated ☐ Corrected

2. Date:

July 25, 2025

3. Administrative Rule Chapter, Title and Clearinghouse Number (if assigned):

Chapters DHS 34, 35, 36, 40, 60, 61, 62, 63, 75, 90, 92, 94, 96, 97, 101, 103, 104, 105, 107, 109, 118, 124, 127, 129, 133, 134, 163, 252, 254

4. Subject:

Revisions under s. 227.29, Stats., for the 2023 biennial review of rules.

5. Fund sources affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

6. Chapter 20, stats., appropriations affected:

Not applicable

7. Fiscal effect of implementing the rule:

☒ No fiscal effect ☐ Increase existing revenues ☐ Increase costs ☐ Decrease costs
☐ Indeterminate ☐ Decrease existing revenues ☐ Could absorb in agency's budget

8. The rule will impact the following:

☐ State's economy ☐ Specific businesses/sectors
☐ Local governmental units ☐ Public utility rate payers
☐ Small businesses (complete Attachment A if checked)

9. Estimate of implementation and compliance costs to businesses, local governmental units, and individuals, per s. 227.137 (3) (b) 1., Stats.:

\$0

10. Would implementation and compliance costs to businesses, local governmental units, and individuals be \$10 million or more over any 2-year period, per s. 227.137 (3) (b) 2., Stats.?

☐ Yes ☒ No

11. Policy Problem Addressed by the Rule:

Under s. 227.29, Stats, the Department is required to review its administrative rules for: (1) rules are unauthorized due to repeal or amendment of the law that previously authorized promulgation; (2) rules for which the authority to promulgate has been restricted; (3) rules that are obsolete or rendered unnecessary; (4) rules that are duplicative or superseded by another rule, statute, or regulation; (5) rules that are economically burdensome. Any rules determined to fit within one of those five categories must be included in the Department's biennial rules report to the Joint Committee for Review of Administrative Rules ("JCRAR"), and that report must indicate actions the Department is taking to address each rule listed in the report.

In accordance with s. 227.29 (1) and (2), Stats., the Department submitted a biennial report to JCRAR on March 31, 2023. On the same date, the Department submitted a statement of scope to address the rules identified in the biennial report for review in accordance with s. 227.135 (2), Stats. That scope statement was approved by the Governor on May 18, 2023, and published in the Administrative Register on May 22, 2023.

12. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments:

In accordance with s. 227.137(1), Stats., the Department posted a draft of the proposed rule and solicited public comment on the economic impact beginning on July 7, 2025, and running until July 21, 2025. The Department received two public comments.

13. Identify the local governmental units that participated in the development of this EIA:

The Department considered comments from the Wisconsin Association of Home Health Care and the Waukesha County Department of Health and Human Services.

14. Summary of rule's economic and fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units and the state's economy as a whole (include implementation and compliance costs expected to be incurred):

Overall, the proposed rules will revise or repeal provisions of the DHS administrative code that are unauthorized, obsolete, in conflict with other laws, or economically burdensome. The rule is not expected to increase regulatory costs for any business sector, governmental unit, or other sector of the state's economy. Notably, the Wisconsin Association for Home Health Care commented that the proposed repeal of s. DHS 133.05(2) will positively impact home health agencies in Wisconsin by reducing costs.

15. Benefits of implementing the rule and alternative(s) to implementing the rule:

There are no alternatives to the proposed rulemaking. The biennial review process is statutorily required under s. 227.29, Stats. There are no reasonable policy alternatives to promulgating the proposed rules.

16. Long-range implications of implementing the rule:

The proposed rules will update the code for consistency with other laws and regulations and remove regulations that are unauthorized or obsolete. As noted in section 14. of this document, the proposed rules will also reduce costs for regulated entities.

17. Comparison with approaches taken by the federal government:

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

18. Comparison with approaches taken in neighboring states (Illinois, Iowa, Michigan, and Minnesota):

Not applicable - the proposed rule order is based off of requirements specific to Wisconsin contained in s. 227.29, Stats

19. Contact name and phone number:

Mark R. Thompson
Attorney
Office of Legal Counsel
Department of Health Services
Mark.Thompson@dhs.wisconsin.gov
608-266-1279

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