

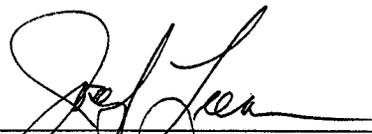
CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND FAMILY SERVICES )

I, Joseph Leean, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed repeal of rules relating to hearings on relief from institutional charges, a low-income standard for allocating state nutrition and senior volunteer funds and maintaining the confidentiality of personal facts included in medical information obtained by Department staff in the conduct of official business was duly approved and adopted by this Department on March 19, 1998.

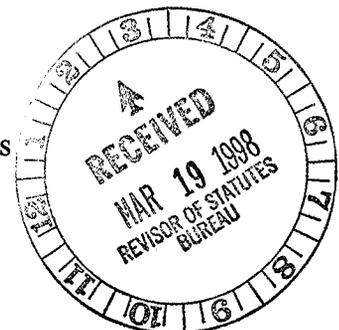
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 19th day of March, 1998.



Joseph Leean, Secretary  
Department of Health and Family Services

SEAL:



ORDER OF THE  
DEPARTMENT OF HEALTH AND FAMILY SERVICES  
REPEALING RULES

To repeal chapters HFS 10, HFS 67 and HSS 118, relating to hearings on relief from institutional charges, a low-income standard for allocating state nutrition and senior volunteer funds and maintaining the confidentiality of personal facts included in medical information obtained by Department staff in the conduct of official business.

Analysis Prepared by the Department of Health and Family Services

The Department through this rulemaking order is repealing three chapters of administrative rules for which there is no longer rulemaking authority or that no longer serve a purpose.

Chapter HFS 10 states how a county or the state may apply for relief and how the Department is to conduct a hearing on that application when the county or state believes that it is improperly charged for the cost of a person's care at a mental institution or child care institution ("charitable or curative facility," according to s. 46.106, 1983-84 Stats.) operated by the Department or by a county. The specific statute relating to these hearings, s. 46.106(4), 1983-84 Stats., and the rules date from a time when the charge for care of persons at public charge was based on legal settlement. All of s. 46.106, 1983-84 Stats., was repealed in 1985. Even before then, in consequence of establishment of the Chapter 51 system of community mental disability boards in the early 1970's, there were no new charges based on legal settlement and therefore no new legal settlement disputes. The rules were renumbered in 1982. At that time it was found that they were still needed because there were still some old cases that had not been resolved. There are no more old cases that have not been resolved.

Chapter HFS 67 was created in 1982 to establish a low-income standard for allocating state supplemental funds to counties and tribal governing bodies providing meals in connection with the nutrition program for the elderly under s. 46.80(5), Stats., and to counties and tribal governing bodies operating a non-federally funded senior companion or retired senior volunteer project authorized by s. 46.85, Stats. Section 46.80(5)(c), 1991-92 Stats., directed the Department to define by rule the standard of "low income" that it uses in the subsection. That rulemaking requirement was repealed by 1993 Wisconsin Act 16. The same session law also amended s. 46.80(2m)(a)2. and (5)(a), Stats., to provide for allocation of the funds (by then limited to a state supplement to the federal congregate nutrition projects under 42 USC 3030e) on the basis of formulas developed by the Department for distribution of funds received under the federal nutrition program for the elderly, and those formulas were specifically exempted from having to be promulgated as rules.

Chapter HSS 118 dates under a different number from 1950. It was issued by the State Board of Health at a time when there were no statutes to protect the confidentiality of personally identifiable information included in health records obtained by Board staff in the conduct of official business. Subsequently, numerous health information confidentiality statutes were enacted. Nevertheless, until recently those statutes tended to relate to records of particular programs or to focus on records held by or obtained from health care providers. Those statutes, however, did not explicitly protect some research situations in which a Board/Department health researcher obtained health information directly from an individual rather from the individual's health care provider. For this reason ch. HSS 118 had continued usefulness in protecting Division of Health research data supplied directly by individuals. When the public health statutes were updated and renumbered by 1993 Wisconsin Act 27, effective January 1, 1994, s. 250.04(3)(b)3., Stats., was created to provide explicit statutory protection for personally identifiable information included in health questionnaires and surveys. Chapter HSS 118 is therefore obsolete.

The Department's authority to repeal these rules is found in s. 46.106(4), 1983-84 Stats., s. 46.80(5)(c), 1991-92 Stats., and ss. 227.11(2) and 250.04(7), Stats. The rules interpret s. 46.106(4), 1983-84 Stats., s.46.80(5)(a), 1991-92 Stats., and s. 250.04(1), Stats.

SECTION 1. Chapter HFS 10 is repealed.

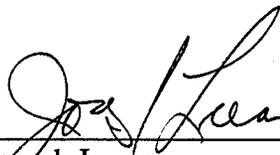
SECTION 2. Chapter HFS 67 is repealed.

SECTION 3. Chapter HSS 118 is repealed.

The repeal of rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and  
Family Services

Dated:

By:   
Joseph Leean  
Secretary

SEAL:

