

PW-PA 20.15 Reimbursement for state dependents. (1) **COUNTY CLAIMS.** Claim for reimbursement for relief granted dependent persons who do not have legal settlement in this state and who have resided less than one year in this state may be made only by a county that has granted the relief directly or has reimbursed a municipality which granted the relief.

(2) **REIMBURSABLE RELIEF.** The relief granted may be in cash or kind, but there shall be no reimbursement for work relief since the value of the labor shall be deemed to offset the payments. Any recoveries subsequently made by a county or municipality from the dependent person, his property, estate, or relatives shall be deducted from subsequent claims for reimbursement. The relief granted must be reasonable and necessary and adequate for health and decency, and there shall be no discrimination between state dependents and other recipients in the standard of relief given.

(3) **NOTIFICATION TO STATE.** (a) When a county grants relief or reimburses a municipality for relief accorded a person as a state dependent its county clerk shall file with the state department of public welfare a verified copy of the sworn statement taken under section 49.11 (1), Wis. Stats., together with an affidavit that diligent effort has been made to ascertain the facts relating to the dependent's legal settlement and period of residence in this state and stating the facts relating to such settlement and residence.

(b) The sworn statement of the relief recipient (or other person) under section 49.11 (1), Wis. Stats., must be taken at the time relief is granted, but the verified copy thereof and the clerk's affidavit of investigation on Form AD-256 should be filed together, and the filing with the state department is not limited to 20 days as otherwise provided for the filing of non-resident notices under section 49.11 (3), Wis. Stats., as between counties and municipalities.

(4) **PRESENTATION OF CLAIM TO STATE.** Claim for state reimbursement may be made by the county treasurer either monthly or in aggregate at the expiration of the state dependency status on forms prescribed by the state department of public welfare showing an itemized statement of the account.

(5) **SUPPORTING RECORDS.** Each county shall maintain sufficient records, vouchers, authorizations and receipts as may be necessary to support its claim for reimbursement, which shall be subject to inspection and audit by duly authorized representatives of the state department of public welfare.

Note: All references to the department of public welfare should be taken as references to the department of health and social services.

(6) **REQUIREMENTS FOR REIMBURSEMENT.** (a) No reimbursement for relief granted to state dependents as defined in s. 49.04 (1), Stats. shall be provided to counties unless the county administering said relief program has adopted written standards relative to the eligibility for and amount of relief granted.

1. The standards so adopted shall be made available to applicants and recipients of relief for which reimbursement is sought under s. 49.04, Stats., and to the public.

2. Benefit standards so issued shall be reasonably adequate for health and decency as provided under (2) of this section.

3. If such standards adopted by a county establish a benefit level less than that provided for the AFDC program under s. 49.19 (11), Stats., the county shall file a statement with the secretary of the department of health and social services containing detailed information demonstrating that the standard as adopted is reasonable and necessary to provide the items listed in s. 49.01 (1), Stats.

(b) No reimbursement for relief granted state dependents under s. 49.04 (1), Stats., shall be provided to counties unless the county administering said relief program makes provision for the following procedural safeguards for all persons for whom reimbursement is sought whose applications are denied in whole or in part.

1. Any denial in whole or in part of an application for relief shall be accompanied by a written statement informing the applicant of the basis of denial with reference to the appropriate standard upon which the denial was based. Said statement shall be provided to the applicant no later than 3 working days from the date of the denial. Said statement shall also inform the applicant of a right to a timely and impartial evidentiary hearing.

2. Any hearing so requested shall be held before an impartial person who has not participated in the decision under review.

3. Any hearing so requested must be held within 5 working days after the request is received. If the hearing is not held within 5 working days the applicant shall be provided with relief until such time as a hearing is held and a decision is rendered.

4. The applicant at the hearing shall be granted the opportunity to present evidence and argument in person or by a representative.

5. The applicant shall be given the opportunity to cross examine all witnesses relied upon by the relief agency.

6. The decision must rest upon evidence presented at the hearing and where there is an issue of credibility or veracity, the decision may not rest on mere uncorroborated hearsay.

7. A written decision shall be issued no later than 5 working days after the hearing and shall indicate the reasons for the final determination and the evidence relied upon in reaching that determination.

(c) The department shall establish a system for ongoing monitoring of compliance with this rule and for the denial of state reimbursement to counties that do not comply with this rule.

History: 1-2-56; cr. (6), Register, July, 1978, No. 271, eff. 8-1-78.

PW-PA 20.16 County agency official bond. (1) SURETY BOND. The person in charge of the administration in each county of aid to dependent children shall furnish a bond having as surety a company authorized to do surety business in this state. The cost of such bond shall be paid for as provided in section 204.11, Wis. Stats. The cost of such bond shall be deemed an administrative expense. Such bond shall be for such amount as shall be fixed by the board of supervisors of the county

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wherein the bonded person is to perform his functions and shall be substantially in the form provided in section 19.01 (2), Wis. Stats.

(2) **APPROVAL AND FILING.** Each such bond shall be approved as to form by the district attorney and shall be filed in the office of the clerk of the county in which the bonded person performs his functions.

(3) **NOTICE OF BOND.** The clerk shall give notice in writing to the county board or its chairman and to the state department of health and social services stating the amount of the bond filed, the name of the surety, the date of filing and the date of approval by the district attorney. The notice herein required shall be given within 5 days after the person required to be bonded has entered upon his office or employment. Each such notice shall be published with the proceedings of the county board.

(4) **AMOUNT FIXED BY COUNTY BOARD.** The provisions of sections 19.01 (2), (3), (5), (6) and (8), 19.015, 19.02 to 19.06 inclusive, Wis. Stats., and all other provisions of law relating to official bonds unless clearly inapplicable or inconsistent herewith shall apply to all matters in connection with the official bonds required by this rule. As soon as possible after the convening of the November annual meeting of the county board of supervisors in each county, each such board shall by resolution fix, and at any subsequent meeting may change the amount of the bond herein required.

(5) **JUDGES EXEMPT.** This rule shall not apply to judges.

History: 1-2-56; am. Register, February, 1975, No. 280, eff. 3-1-75.

PW-PA 20.17 Confidential nature of records. (1) **RECORDS AND OFFICES AFFECTED.** Pursuant to section 49.53, Wis. Stats., case records and all financial data pertaining thereto on file in the county agency administering aid to dependent children, medical assistance, food stamps, social security aid payrolls on file in the offices of the county clerk and county treasurer, and old age assistance liens filed in the office of the register of deeds fall within the purview of this rule.

(2) **ADMINISTRATIVE AGENCY RECORDS.** (a) *Custody.* All agency records shall be safely kept and shall not be removed from the files and offices except when in the custody of a responsible official or employe of the agency.

(b) *Inspection of records.* Inspection of agency records by persons other than employes of the county agency administering aid to dependent children, medical assistance, and food stamps of the state department of health and social services and of the federal department of health, education and welfare shall be permitted only pursuant to signed request and written permission of the chief administrative officer of the agency, and a record shall be kept of said permission; provided that officials of the county shall not be required to sign such a request but shall be entitled to secure information for any purpose connected with the administration of the social security aids in accordance with the provisions and limitations of the law.

(c) *Privileged communications.* Social and medical information shall be deemed to be strictly confidential.

(3) ADMINISTRATIVE USES DEFINED. (a) Use of disclosure of information concerning applicants and recipients for any purpose connected with the administration of aid to dependent children, medical assistance and food stamps shall be deemed to permit providing pertinent information to other agencies administering relief, providing hospital or medical care or service, to assist applicants or recipients or their families so as to ameliorate or eliminate public dependency and to assure economical expenditures of public funds.

(b) The use or disclosure of financial information secured by proper public officials from the records of the county treasurer or county clerk in connection with fiscal governmental functions is