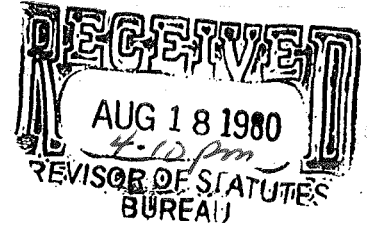


HSS 1

CERTIFICATE

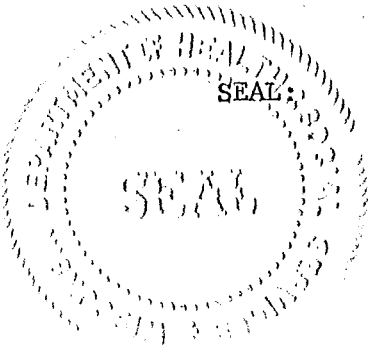


STATE OF WISCONSIN)
) SS
DEPT. OF HEALTH & SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to rules concerning raising the maximum billing amounts to parents of minor clients who receive services subject to the Uniform Fee System under ss. 46.03 (18) and 46.10, stats., were duly approved and adopted by this department on

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

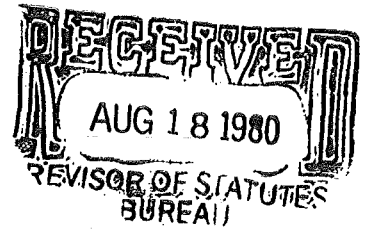


IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson St., in the city of Madison, this 18th day of August, A.D., 1980.

Donald E. Percy, Secretary
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Ret. eff. date 11-1-80

ORDER OF
THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING RULES



Relating to rules concerning raising the maximum billing amounts to parents of minor clients who receive services subject to the Uniform Fee System under ss. 46.03 (18) and 46.10, Stats.

Analysis prepared by the Department of Health and Social Services.

Need for Proposed Rules

The proposed amendments to Chapter HSS 1 are required by an escalator clause in s. 46.10 (14), Stats. and to maintain consistency between parental liability and billing policies within the Uniform Fee System established under s. 46.03 (18), Stats.

Findings of Fact

Section 46.10 (14), Stats. sets a maximum parental liability for residential care at \$4.00 per day. This maximum is further applied in the rules to be amended in this order. The cited statute also contains an escalator clause which requires the department to review the consumer price index and "automatically" raise the \$4.00 amount to \$5.00 on July 1 following the year in which \$5.00 was required to equal the purchasing power of \$4.00 in 1977. Such a change in the purchasing power of the dollar would require a 25% increase in the consumer price index. The consumer price indexes most applicable to Wisconsin residents rose by more than 25% between the end of 1977 and the end of 1979.

Summary of Amendments

HSS 1.02 (6) sets liability of parents for residential care at \$4.00 per day or less depending on parents' ability to pay. The dollar amounts in this section must be raised to reflect a \$5.00 per day liability limit required by the escalator clause in s. 46.10 (14), Stats.

HSS 1.02 (7) and 1.03 (18) (a) prescribe the application of parental billing limits for outpatient services and all other services. The dollar amounts in these sections must be raised to maintain consistency in HSS 1 between parental liability limits and billing limits. Without the proposed change in 1.03 (18) (a) it would be impossible for an agency to collect the full liability of \$5.00 per day for residential services.

Modifications made in the proposed rule as a result of testimony received at Public Hearings

No modifications were made to the proposed rules as a result of testimony received at the public hearing or as a result of subsequent written comments.

Persons who Appeared or Registered at the Public Hearing

A public hearing was held at the Capitol on June 11, 1980.

-No persons appeared for the proposal.

-No persons appeared against the proposal.

-Marion Bates of the Developmental Disabilities Council registered for "observation only".

-No written comments were received by June 18, 1980.

The hearing was announced in the Wisconsin Administrative Register and through correspondence mailed to all agencies potentially affected by the rule change.

Response to Legislative Council Staff Recommendations under s. 227.029

All of the recommendations of the Legislative Council Staff were accepted.

Pursuant to authority vested in the Department of Health and Social Services by Sections 46.10 and 46.03 (18), Wis. Stats., the department amends rules interpreting sections 46.10 (14) and 46.03 (18), Wis. Stats., as follows:

Section HSS 1.02 (6) (intro.) of the Wis. Adm. Code is amended to read:

HSS 1.02 (6) LESSER SPECIAL RATES. (intro.) These procedures govern the computation of a "lesser special rate" for residential facilities subject to s. 46.10 (14), Stats., ~~where "no liability may accrue for the difference between the lesser special rate and \$4-per-day."~~

Section HSS 1.02 (6) (b) of the Wis. Adm. Code is amended to read:

(b) Residential non-medical facilities. Where the family's monthly payment rate determined according to HSS 1.03 is less than ~~\$122~~ \$152, a lesser special rate shall be applied at the outset of services in lieu of the daily parental payment limit of ~~\$4.00~~ \$5.00 per day. Agencies may set lesser special rates in one of the following ways:

1. A monthly rate shall be the lesser of ~~\$122~~ \$152 or the family's monthly payment rate determined according to HSS 1.03; however, the application of a monthly rate must not result in a parental payment of more than ~~\$4.00~~ \$5.00 per day of care.

2. A daily rate may be used by charging a family the lesser of ~~\$4.00~~ \$5.00 per day or an amount consisting of their monthly payment rate multiplied by 12 with that product divided by 365.

Note: For care from August 1, 1977 through June 30, 1980, the maximum parental liability for care described in s. 46.10 (14), Stats., was \$4.00 per day. Monthly rates of \$122 were allowed from January 1, 1980 through June 30, 1980.

Section HSS 1.02 (7) of the Wis. Adm. Code is amended to read:

HSS 1.02 (7) PARENTAL LIABILITY FOR NON-RESIDENTIAL SERVICES. (a) Parents are liable for the full cost of non-residential services; however, under certain conditions, HSS 1.03 (18) (a) limits parental billings for outpatient psychotherapy purchased or provided by county agencies to ~~\$120~~ \$152 per month. Billings for other non-residential

services are limited to ~~\$4.00~~ \$5.00 per day. Claims for third parties are filed at the full cost of service. (See paragraph (b) on how health insurance recovery affects the billing amount to parents.) In billing parents, if the total charges in a calendar month exceed the monthly payment rate as calculated in HSS 1.03, the charges to the parents for that month shall be reduced to the monthly payment rate.

(b) Where the parental payment limit is ~~\$120~~ \$152 per month, the parents' payment obligation for a given month is credited by any insurance payments received for services during that month. Where the parental payment limit is ~~\$4.00~~ \$5.00 per day, the parents' payment obligation for a given day is credited by any insurance payments received for services on that day.

Section HSS 1.03 (18) (a) of the Wis. Adm. Code is amended to read:

HSS 1.03 (18) EXCEPTIONS. (a) For outpatient psychotherapy purchased or provided by county agencies, parents who provide full financial information shall not be billed a total amount per child per month greater than ~~\$120~~ \$152. For all other services, parents who provide full financial information shall not be billed more than ~~\$4.00~~ \$5.00 per day for each child who receives service. When a minor child and an adult from one family receive services, the parental payment limit shall not apply to billings for services to the adult.

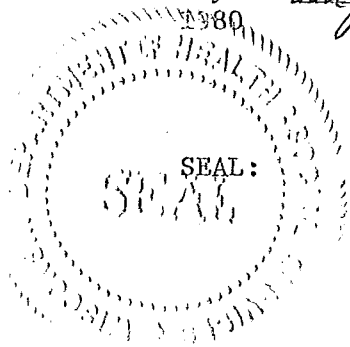
Note: For outpatient psychotherapy purchased or provided by county agencies, the maximum billing rate to qualified parents for outpatient psychotherapy was \$4.00 per day per child client for such care from September 1, 1977 through December 31, 1979. For such care from January 1, 1980 through June 30, 1980, the maximum rate for this service was \$120 per month per child client.

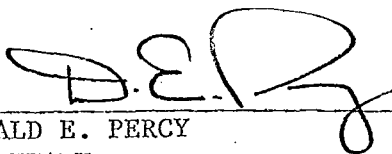
For all other services, the maximum billing rate for care from September 1, 1977 through June 30, 1980 was \$4.00 per day per child client.

The amendments in this order shall take effect on October 1, 1980.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Dated this 18th
day of August,
1980





DONALD E. PERCY
SECRETARY



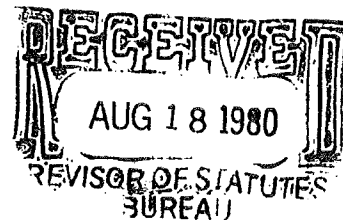
State of Wisconsin \

DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

August 18, 1980.

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702



Dear Mr. Prestegard:

As provided in section 227.023, Wis. Stats., there is hereby submitted a certified copy of HSS 1.02 (6), 1.02 (7) and 1.03 (18) (a), relating to raising the maximum billing amounts to parents of minor clients who receive services subject to the Uniform Fee System.

This rule is being submitted to the Secretary of State as required by section 227.023, Wis. Stats.

Sincerely,

Donald E. Percy
SECRETARY

Enclosure