

**State of Wisconsin
Department of Children and Families**

DCF 154

**Substance Abuse Screening, Testing, and Treatment for the
Children First Program**

The Wisconsin Department of Children and Families proposes an order to create chapter DCF 154, relating to substance abuse screening, testing, and treatment for the Children First program.

Analysis Prepared by the Department of Children and Families

Statutory authority: Section 49.162 (7), Stats., as created by 2015 Wisconsin Act 55

Statutes interpreted: Section 49.162, Stats., as created by 2015 Wisconsin Act 55

Related statute or rule: Section 49.36 (3m), as created by 2015 Wisconsin Act 55

Explanation of Agency Authority

Section 49.162 (7), Stats., as created by 2015 Wisconsin Act 55, provides that “the department shall promulgate rules to implement the substance abuse screening, testing, and treatment requirements” under s. 49.162, Stats.

Section 49.162, Stats., as created by 2015 Wisconsin Act 55, requires substance abuse screening, testing, and treatment as a condition of eligibility for all of the following:

- Persons who apply to participate in the Transform Milwaukee program or the Transitional Jobs program under s. 49.163, Stats.
- Persons who apply to participate in W-2 services and benefits for noncustodial parents under s. 49.159 (1) (b), Stats.
- Persons who are ordered by a court to register for Children First because they are not meeting their child support obligations.

The proposed ch. DCF 154 applies to the Children First program. Rules for the other 3 programs were promulgated separately in proposed ch. DCF 105. A specific rule for the Children First program is required due to unique and substantial differences in how that program is administered.

Section 49.36 (3m), Stats., provides that “a person is not eligible to participate in a program under this section unless the person satisfies all of the requirements related to substance abuse screening, testing, and treatment under s. 49.162, Stats., that apply to the individual.” Section 49.162 (2), Stats., requires an individual who registers for the Children First program to complete a questionnaire that screens for the abuse of a controlled substance. If the administering agency determines that there is a reasonable suspicion that an individual who is otherwise eligible for a work experience program is abusing a controlled substance based on the individual’s answers to the questionnaire, the individual must undergo a test for the use of a controlled substance to be eligible to participate in the Children First program. If the individual refuses to answer the questionnaire or submit to a drug test, the individual is not eligible to participate in the program until the individual complies with the requirement to complete the questionnaire and undergo a test for the use of a controlled substance.

An individual who undergoes a test for the use of a controlled substance and tests negative will have satisfactorily completed the substance abuse testing requirements. An individual who tests positive but presents evidence of a valid prescription that explains any metabolite detected by the test will also have satisfactorily completed the substance abuse testing requirements. An individual who tests positive without presenting evidence of a valid prescription is required under s. 49.162 (4) (a), Stats., to participate in substance abuse treatment in order to remain eligible for the Children First program.

During the time an individual is participating in required controlled substance abuse treatment, the individual is required under s. 49.162 (4) (b), Stats., to undergo one or more random substance abuse tests. An individual who tests positive during treatment without presenting evidence of a valid prescription that explains any metabolite detected by the test will have one opportunity to begin treatment again. The individual re-entering treatment after an unexplained positive test remains eligible for the program only if the individual does not have another unexplained positive test before successfully completing treatment. Upon completion of the treatment program, the individual must undergo a test for substance abuse under s. 49.162 (4) (c), Stats. If the test result is negative or if it is positive only for metabolites associated with a valid prescription, the individual will have satisfactorily completed the substance abuse testing requirements under s. 49.162 (4) (c), Stats.

Summary of the Proposed Rule

The purpose of this chapter is to establish a process to screen for, and, if appropriate, test for the use of controlled substances, as defined in this chapter, by individuals registered for the Children First program administered by the Department of Children and Families under s. 49.36, Stats., and to refer individuals determined to be abusing a controlled substance to a treatment provider for a substance abuse assessment and evaluation and appropriate treatment.

The proposed rule permits the department to approve one or more screening questionnaires that may be used to determine whether there is reasonable suspicion that an individual who is otherwise eligible for a work experience program under s. 49.36, Stats., is abusing a controlled substance, standards for concluding a reasonable suspicion of controlled substance abuse exists, and procedures for determining when an individual has refused to comply with the screening requirement. The proposed rule defines how individuals reasonably suspected of abusing a controlled substance will be tested for use of a controlled substance, what alternative test results may be accepted to satisfy the testing requirement, what confirmation testing may be required, how test result records will be stored to assure confidentiality and compliance with federal regulations relating to diagnosis and treatment records for drug abuse, how applicants may consent to sharing test result information, and how refusal to submit to a test will be determined.

For applicants who test positive for use of a controlled substance without evidence of a valid prescription that explains all controlled substances identified in the test, the proposed rule defines how the individual will be assessed to determine the need for treatment, how random drug tests during treatment and at the completion of treatment will be carried out, what standards will be used to determine if an individual with a positive test result during or after treatment can continue or re-start treatment, and who has access to and maintains records of treatment. Finally, the proposed rule determines whether an individual who is ineligible for a work experience program may reapply for the same program or apply for other department programs covered by the substance abuse screening, testing, and treatment requirement.

If a person registered for the work experience program under s. 49.36, Stats., fails to complete a screening questionnaire under s. DCF 154.04, fails to submit to a test under s. DCF 154.05, or fails to participate in treatment under s. DCF 154.06, the administering agency is required to notify the clerk of

court for the court that ordered the individual to register for the program by submitting an affidavit. This notification requirement assures the court is aware the person is ineligible for the program under s. 49.36 (3m), Stats., and that the court will not receive an affidavit of completion under s. 49.36 (4), Stats.

Summary of Factual Data and Analytical Methodologies

The rule was developed with the assistance of agencies administering the Children First program under the department's 2015-2016 contracts and child support enforcement agencies. The department shared proposed ch. DCF 105 with these stakeholders and asked them to identify changes that would be required to accommodate the unique features of the Children First program.

Summary of Related Federal Requirements

Drug Testing of Welfare Recipients

Pursuant to 21 USC 862b, the federal government may not prohibit states from requiring drug tests for welfare recipients nor from sanctioning welfare recipients who fail such tests. Pursuant to 42 USC 608 (b), states are permitted to require substance abuse treatment as a component of an individual responsibility plan and to apply a penalty for noncompliance in the absence of good cause. The Children First program does not pay either a benefit or a subsidy, however it is funded with federal Temporary Assistance for Needy Families block grant funding, and is subject to the above provisions.

Confidentiality

Confidentiality of records relating to drug testing and treatment is governed by regulations specific to drug testing and treatment programs that are federally assisted under 42 CFR Part 2 and by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 45 CFR Parts 160 and 164, Subparts A and E. Programs subject to both sets of rules must comply with both, and they are generally compatible. Both sets of rules are directed toward assuring patient records remain private and are not disclosed unless the patient voluntarily consents to their release.

Comparison to Rules in Adjacent States

There are no work experience programs for child support payers similar to Children First in adjacent states. The comparison below includes more generally the rules in adjacent states for TANF block grant funded programs.

The only adjacent state planning drug testing in a public assistance program is Michigan. In 1999, Michigan passed a law requiring all applicants for Michigan's Temporary Assistance for Needy Families program, the Family Independence Program, to undergo drug testing. That law was declared unconstitutional in a decision that held Michigan law authorizing suspicionless drug testing of welfare recipients was unconstitutional because it was not intended to address public safety, and the state's desire to address substance abuse as a barrier to employment was not a special need sufficient to justify departure from the Fourth Amendment requirement of individualized suspicion. While initially reversed on appeal to the 6th Circuit Court of Appeals, the initial decision was vacated when the 6th Circuit Court decided to hear the case en banc. The full court split 6-6 without decision, and the effect was to affirm the District Court's decision and order.

In 2014, the Michigan legislature authorized a new three-county pilot project to evaluate drug testing of applicants for public assistance based on suspicion, and the bills were signed into law in December 2014. There are no administrative rules for this project, which is scheduled to run for one-year ending September 2016.

Other states that have adopted administrative rules relating to drug testing and treatment of recipients of public assistance include North Carolina, Tennessee, and Missouri. Unlike Wisconsin where the enabling statute addresses participation in work experience programs, the North Carolina, Tennessee, and Missouri rules determine eligibility to receive cash benefits.

Effect on Small Business

None. The proposed rule imposes no compliance or reporting requirements on small businesses.

Analysis Used to Determine Effect on Small Business or in Preparation of Economic Impact Analysis

The impact of the proposed rule is limited to county child support enforcement agencies administering the Children First program and W-2 agencies providing employment services under contracts with those county agencies and individuals participating in those programs. No current W-2 agency or child support enforcement agency is an independently owned and operated business entity with fewer than 25 employees or less than \$5,000,000 in gross annual sales, as specified in s. 227.114 (1), Stats. The primary impact of the proposed rule is on individuals registered for the Children First program. All reporting and compliance requirements apply only to agencies administering the Children First program and participants in that program.

Agency Contact Person

Kris Randal, Administrator, Division of Family and Economic Security, Department of Children and Families, (608) 422-6187, kris.randal@wisconsin.gov.

Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Phyllis Fuller, Bureau of Child Support, Division of Family and Economic Security, Department of Children and Families, 201 E. Washington Avenue, A200, Madison, WI, 53703 or Phyllis.Fuller@wisconsin.gov. The comment deadline is March 17, 2016.

SECTION 1. Chapter DCF 154 is created to read:

Chapter DCF 154

SUBSTANCE ABUSE SCREENING, TESTING, AND TREATMENT FOR THE CHILDREN FIRST PROGRAM

DCF 154.01 Purpose. The purpose of this chapter is to establish a process to screen for, and, if appropriate, test for the use of controlled substances by persons ordered to participate in the Children First work experience program administered by the department under s. 49.36, Stats., and to refer persons determined to be abusing a controlled substance to a treatment provider for a substance abuse assessment and evaluation and appropriate treatment as required by s. 49.162, Stats.

DCF 154.02 Definitions. In this chapter:

(1) “Administering agency” has the meaning given in s. 49.162 (1) (a), Stats.

(2) “Confirmation test” means an analytical procedure used to quantify a specific controlled substance or its metabolite in a specimen through a test that is different in scientific principle from that of the initial test procedure and capable of providing requisite specificity, sensitivity, and quantitative accuracy to positively determine use of a controlled substance.

(3) “Controlled substance” or “substance” has the meaning given for “controlled substance” in s. 961.01 (4), Stats.

(4) “Department” means the department of children and families.

(5) “Metabolite” means a chemical present in the body when a controlled substance is being broken down through natural metabolic processes that can be detected or measured as a positive indicator that a controlled substance associated with the metabolite has been used.

(6) “Medical review officer” means a licensed physician employed by or providing services under contract to a drug testing vendor who has knowledge of substance abuse disorders and laboratory testing procedures and who has the necessary training and experience to interpret and evaluate a person’s positive test result in relation to that person’s medical history and current valid prescriptions.

(7) “Person” means a parent who is not a custodial parent under s. 767.55 (2) (a), Stats., who has been ordered by the court pursuant to s. 767.55 (2) (am), Stats., to participate in a work experience and job training program under s. 49.36, Stats.

(8) “Reasonable suspicion” means suspicion of controlled substance abuse by a person based on that person’s score on a screening questionnaire.

(9) “Screening” means completion of a questionnaire regarding the person’s current and prior use of controlled substances.

(10) “Specimen” means tissue, fluid, or a product of the human body capable of revealing the presence of controlled substances or their metabolites.

(11) “Treatment” means services that are conducted under clinical supervision to assist a person

through the process of recovery from controlled substance abuse and may include screening for abuse of controlled substances, application of approved placement criteria, intake, orientation, assessment, individualized treatment planning, intervention, individual or group and family counseling, referral, discharge planning, after care or continuing care, recordkeeping, consultation with other professionals regarding the patient's treatment, recovery and case management, crisis intervention, client education, employment, and problem resolution in life skills functioning.

(12) "Treatment program" means a program certified to provide treatment for controlled substance abuse as a medically managed inpatient service under s. DHS 75.10, a medically monitored treatment service under s. DHS 75.11, a day treatment service under s. DHS 75.12, an outpatient treatment service under s. DHS 75.13, a transitional residential treatment service under s. DHS 75.14, or a narcotic treatment service for opiate addiction under s. DHS 75.15.

(13) "Treatment provider" or "provider" means a provider of treatment for controlled substance abuse certified by the department of health services under the provisions of ch. DHS 75.

(14) "Work experience program" or "program" means a work experience program for noncustodial parents under s. 49.36, Stats.

DCF 154.03 Information about the requirement for controlled substance abuse screening, testing, and treatment. An administering agency shall provide to any person who has been ordered by a court to register for a work experience program under s. 49.36, Stats., information that explains the requirement to undergo screening, testing, and treatment for abuse of controlled substances under s. 49.162, Stats. The information shall be in a format approved by the department.

DCF 154.04 Administering a controlled substance abuse screening questionnaire to determine reasonable suspicion of substance abuse. (1) WHO MUST COMPLETE A SCREENING QUESTIONNAIRE. An administering agency shall administer a controlled substance abuse screening questionnaire approved by the department to any person ordered to participate in a work experience program.

(2) EFFECT OF FAILING TO COMPLETE SCREENING QUESTIONNAIRE. The person is required to answer all questions on the screening questionnaire, sign and date the questionnaire, and submit it to the administering agency. A person who fails to submit a completed screening questionnaire is not eligible to participate in a work experience program, and the administering agency shall inform the clerk of courts by affidavit that the person is not eligible to participate in the program.

(3) EFFECT OF SUCCESSFULLY PASSING THE SCREENING QUESTIONNAIRE. A person whose score on the screening questionnaire does not establish a reasonable suspicion of abuse of a controlled substance has fully satisfied the requirements of this chapter and may participate in a work experience program subject to this chapter without further screening, testing, or treatment.

DCF 154.05 Requiring a test for the use of a controlled substance. (1) WHO MAY BE REQUIRED TO UNDERGO TESTING. A person whose score on the screening questionnaire establishes a reasonable suspicion of abuse of a controlled substance shall be required to undergo a test for the use of a controlled substance.

(2) NATURE OF TESTING REQUIRED. Testing shall consist of laboratory analysis of a specimen collected from a person by a drug testing vendor. The department shall provide to each administering agency a list of all controlled substances or metabolites of controlled substances that must be included in the test and cutoff levels for the test and cutoff levels for any confirmation test that may be used. The department may add or delete controlled substances or metabolites that must be included in the laboratory test to reflect changes in pre-employment drug testing practices of Wisconsin employers. Any positive test result on the initial drug test shall be confirmed through a confirmation test using the original specimen collected from the person.

(3) CONTRACT FOR TESTING SERVICES. Subject to the department's approval, the administering agency may contract with any qualified drug testing vendor to collect a specimen, carry out laboratory analysis of the specimen, store the specimen for confirmatory testing if required, complete confirmatory testing, and provide review by a medical review officer. The department may require the

administering agency to use a specific testing service procured through state contracting if the department determines that volume discounts or other preferential pricing terms can be achieved through a statewide contract.

(4) REFUSAL TO SUBMIT TO A TEST. A person refuses to submit to a test if the person does any of the following:

(a) Fails or refuses to provide a specimen during an appointment scheduled by the administering agency for that purpose.

(b) Fails or refuses to appear for a test at the time and place directed by the administering agency.

(c) Fails or refuses to complete any form or release of information required for testing, including those required by the drug testing vendor that permit the drug testing vendor to report test results to the administering agency.

(d) Fails or refuses to provide a valid specimen for testing.

(e) Fails or refuses to provide verification of identity to the testing vendor.

(f) Fails or refuses to cooperate with the medical review officer, including refusal to complete an interview or answer questions or refusal to provide records necessary to demonstrate possession of a valid prescription.

(5) EFFECT OF REFUSAL TO SUBMIT TO A TEST. A person who refuses to submit to a test under sub. (4) is ineligible to participate in a work experience program until the person submits to a test. The administering agency may direct a person who has refused to submit to a test under sub. (4) and subsequently agrees to submit to a test to undergo drug testing on a random basis at any time within 10 days after the person agrees to submit to a test. A person may not participate in the work experience program until the person undergoes a test for the use of a controlled substance and test results have been reported to the administering agency. If a person refuses to submit to a test for a period longer than 10 business days, the administering agency shall inform the clerk of courts by affidavit that the person is not eligible to participate in the program until the person submits to a test.

(6) REQUIREMENT FOR A CONFIRMATION TEST. If a person tests positive for the use of a

controlled substance, the drug testing vendor shall perform a confirmation test using the same specimen obtained for the initial drug test. The results of the confirmation test shall be verified by a medical review officer after considering the person's medical history as well as any current valid prescription and use of over-the-counter medication. All test results that are non-negative shall be interpreted as positive or negative by the drug testing vendor's medical review officer who shall be responsible for determining the presence of a controlled substance.

(7) ACCEPTING TEST RESULTS FROM ANOTHER PROGRAM. Results of a drug test performed by another state program, including a work experience program under s. 49.159 (1) (b), 49.163, 49.45 (23) (g), 49.79 (9) (d) or 108.133, Stats., or a drug test carried out by the Wisconsin department of corrections, can be used by an administering agency to determine whether to refer a person to treatment if the prior test results are provided directly to the administering agency, all the controlled substances and metabolites required by the department to be tested under this chapter are included in the prior test results, and the test occurred within the previous 90 days.

(8) EFFECT OF A NEGATIVE TEST. A person who undergoes a test for the use of a controlled substance under this subsection and tests negative for use of a controlled substance or tests positive for use of a controlled substance but provides evidence of a valid prescription for each controlled substance for which the person tests positive will have fully satisfied the requirements of this chapter and may participate in a work experience program without further screening, testing, or treatment.

(9) EFFECT OF A POSITIVE TEST. A person whose test results are positive for any controlled substance or metabolite tested and who fails to present evidence of a valid prescription for the controlled substance shall be required to participate in treatment under s. DCF 154.06.

DCF 154.06 Requiring participation in treatment. (1) WHO MAY BE REQUIRED TO PARTICIPATE IN TREATMENT. Every person who undergoes a test under s. DCF 154.05 and tests positive for the use of a controlled substance without presenting evidence of a valid prescription as described in s. 49.162 (1), Stats., and as determined by the medical review officer for the testing vendor,

shall be required to participate in treatment in order to be eligible to participate in a work experience program.

(2) REFERRAL FOR TREATMENT. The administering agency shall provide information to every person required to participate in treatment about treatment providers and county-specific assessment and enrollment activities required for entry into treatment. The administering agency shall monitor the person's progress in entering and completing treatment and the results of any random testing for the use of a controlled substance carried out during or at the conclusion of treatment.

(3) SUBSTANCE ABUSE EVALUATION AND ASSESSMENT. A treatment provider may conduct a substance abuse evaluation and assessment and take any of the following actions based on the evaluation and assessment:

(a) If a treatment provider determines a person does not need treatment, the provider shall notify the administering agency of its determination.

(b) If a treatment provider determines a person is in need of treatment, the provider shall refer the person to an appropriate treatment program to begin treatment and shall notify the administering agency of the referral and the expected begin date and duration of treatment.

(c) If a treatment provider determines a person is in need of treatment but is unable to refer the person because there is a waiting list for enrollment in appropriate treatment programs, the provider shall notify the administering agency when the person is expected to be enrolled.

(4) ELIGIBILITY OF A PERSON TO PARTICIPATE IN A WORK EXPERIENCE PROGRAM WHEN TREATMENT IS NOT NEEDED OR THE PERSON IS PLACED ON A WAITING LIST. (a) A person who has been determined by a treatment program after assessment not to need treatment will have fully satisfied the requirements of this chapter and may participate in a work experience program without further screening, testing, or treatment for the use of a controlled substance.

(b) A person who is on a waiting list for enrollment in an appropriate treatment program is eligible to participate in a work experience program during the waiting list period, provided the person is not eligible for immediate enrollment in any other appropriate treatment program.

(5) SATISFYING THE REQUIREMENT TO PARTICIPATE IN TREATMENT THROUGH PARTICIPATION IN ANOTHER TREATMENT PROGRAM. An administering agency shall accept current participation in a treatment program to satisfy the requirements of this section. The person participating in the treatment program shall execute a release of information to allow the administering agency to obtain verification of successful participation in that treatment program.

(6) REFUSAL TO PARTICIPATE IN TREATMENT. A person refuses to participate in treatment if the person does any of the following:

(a) Fails or refuses to complete any form or release required for program administration, including those required by the treatment provider in order to share information with the administering agency about the person's participation in treatment.

(b) Fails or refuses to participate in any controlled substance testing required by the treatment provider or the administering agency during the course of required treatment, including random controlled substance testing directed by the treatment provider or administering agency.

(c) Fails or refuses to meet any attendance or participation requirement established by the treatment provider.

(d) Fails or refuses to complete a substance abuse assessment.

(7) EFFECT OF REFUSAL TO PARTICIPATE IN TREATMENT. (a) If the treatment provider agrees to continue treatment, a person who refuses to participate in treatment shall be given one opportunity to participate in treatment by re-entering treatment within 30 days of the refusal to participate.

(b) A person who does not re-enter treatment within 30 days of a refusal to participate or who refuses a second time to participate in treatment shall be ineligible to participate in any department program subject to s. 49.162, Stats., for a period of 12 months. The administering agency shall inform the clerk of courts by affidavit that the person is not eligible to participate in any department program subject to s. 49.162, Stats., for a period of 12 months because the person did not re-enter treatment within 30 days of a refusal to participate or the person refused a second time to participate in treatment.

(8) CONTROLLED SUBSTANCE TESTING DURING REQUIRED TREATMENT. (a) A

person who is participating in treatment shall undergo a minimum of one randomly administered test for the use of a controlled substance as directed by the administering agency during the course of treatment. Additional tests during required treatment may be directed by the administering agency if recommended by the treatment provider or required under par. (c).

(b) A person who tests positive for use of a controlled substance during treatment without presenting evidence of a valid prescription for the controlled substance may be eligible to re-enter the treatment program. The person may re-enter treatment only once as a result of a positive test for use of a controlled substance. The treatment provider shall determine the terms of the person's re-entry into treatment based on an assessment of the person's treatment needs at the time the person re-enters treatment. Based on its assessment, the provider may take any of the actions described in sub. (3).

(c) A person who re-enters treatment under par. (b) shall undergo a minimum of one randomly administered test for the use of a controlled substance during the course of continued treatment following re-entry. After re-entering a treatment program, a confirmed positive test for use of a controlled substance without presenting evidence of a valid prescription for the controlled substance shall be reported to the administering agency and shall result in the person being ineligible to participate in a work experience program.

(d) A person who is determined to be ineligible to participate in a work experience program as a result of a second positive test during treatment for the use of a controlled substance under par. (c) is not eligible to participate in any department program subject to s. 49.162, Stats., for a period of 12 months. The administering agency shall inform the clerk of courts by affidavit that the person is not eligible to participate any department program subject to s. 49.162, Stats., for a period of 12 months as a result of a second positive test during treatment.

(9) TESTING FOR USE OF A CONTROLLED SUBSTANCE AT THE CONCLUSION OF REQUIRED TREATMENT. (a) All persons participating in treatment under this section shall undergo testing for use of a controlled substance at the completion of the treatment program.

(b) If a person tests negative for the use of a controlled substance, or tests positive for the use of a

controlled substance but presents evidence satisfactory to the administering agency that the person possesses a valid prescription for each controlled substance for which the person tests positive, the person will have satisfactorily completed the treatment and testing requirements under this section and may participate in a work experience program without further screening, testing, or treatment for the use of a controlled substance.

(c) A person who refuses a test or tests positive for use of a controlled substance at the completion of treatment without presenting evidence satisfactory to the administering agency that the person possesses a valid prescription for each controlled substance for which the person tests positive is not eligible to participate in any work experience program administered by the department for a period of 12 months. The administering agency shall inform the clerk of courts by affidavit that the person is not eligible to participate in any work experience program administered by the department for a period of 12 months as a result of a positive test at the conclusion of treatment.

(10) PARTICIPATION IN WORK EXPERIENCE PROGRAM ACTIVITIES WHILE IN TREATMENT. An administering agency may place a person in program activities during treatment if program activities will not interfere with the person's participation in treatment. A person who is not in treatment following a positive test during treatment or a refusal to participate may not participate in program activities until the person re-enters treatment.

DCF 154.07. Effect of completing, voluntarily withdrawing, or being terminating from a work experience program. A person who completes or voluntarily withdraws from the work experience program is no longer subject to s. 49.162, Stats., or this chapter. A person who is terminated from the program for reasons unrelated to substance abuse screening, testing, and treatment is no longer subject to s. 49.162, Stats., or this chapter, as of the date of termination from the program.

DCF 154.08. Confidentiality of records. Screening questionnaires, testing results, and treatment records relating to this chapter may not be disclosed unless for purposes connected with the administration of the program unless disclosure is otherwise authorized by law or by written consent from

the person who is the subject of the record. The department may establish administrative, physical, and technical safeguard procedures administering agencies may be required to follow to assure compliance with state and federal laws relating to public assistance program records, drug testing and treatment records, and medical records.

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.