

Scott Walker
Governor

Linda Seemeyer
Secretary



State of Wisconsin
Department of Health Services

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VIA E-MAIL ATTACHMENT

January 2, 2019

Senator Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10S, State Capitol
Madison, WI 53702

Representative Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210N, State Capitol
Madison, WI 53702

RE: Petition to Repeal Unauthorized Rule

Dear Senator Nass and Representative Ballweg:

Enclosed, please find a Petition and Order to Repeal Unauthorized Rules. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Davis Ciotola".

Davis Ciotola
Administrative Rules Attorney
Department of Health Services

cc. Atty. Scott Grosz, Legislative Council
Atty. Mike Duchek, Legislative Reference Bureau

**STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES
PETITION AND ORDER TO REPEAL UNAUTHORIZED RULES**

I. PETITION

The Department of Health Services hereby petitions the Joint Committee for Review of Administrative Rules to repeal rules the department has determined to be unauthorized, using the process under s. 227.26 (4), Stats.

II. PROPOSED ORDER

An order of the Department of Health Services to repeal DHS 10.72, relating to Family Care, and to repeal DHS 124.255, relating to Hospitals.

III. ANALYSIS

A. Statute/s that the proposed rule interprets

Sections 50.36 (2) (c) and 50.38, Stats.

B. Statute/s that authorizes promulgation

Section 50.36 (2) (c), Stats.

C. Related statute/s

Section 50.38, Stats.

D. Related rule/s

DHS 124.255

E. Explanation of the agency's authority to promulgate the proposed rule

Section 50.36 (2) (c), Stats., directed the department to promulgate rules that required a hospital, before discharging a patient who is aged 65 or older or who has developmental disability or physical disability and whose disability or condition requires long-term care that is expected to last at least 90 days, to refer the patient to a resource center under s. 46.283, Stats.

F. Brief summary of the proposed rule

2007 WI Act 20 repealed ss. 50.36 (2) (c) and 50.38, Stats. Section 50.36 (2) (c), Stats., directed the department to promulgate rules requiring hospitals to refer certain patients to a resource center. Section 50.38, Stats., established penalties for non-compliance. The proposed rule repeals s. DHS 10.72, which implemented these requirements. In addition, the proposed rule repeals s. DHS 124.255, which cross-referenced s. DHS 10.72.

G. Electronic mail address and telephone number of agency contact person

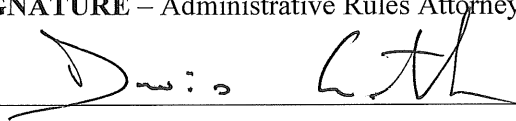
Atty. Davis Ciotola
davis.ciotola@wisc.gov
(608) 266-1279

IV. PROPOSED RULE

SECTION 1. DHS 10.72 is repealed.

SECTION 2. DHS 124.255 is repealed.

SECTION 3. EFFECTIVE DATE. The rules repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

SIGNATURE – Administrative Rules Attorney, Department of Health Services	Date Signed
	01/02/19