

# State of Wisconsin



2015 Assembly Bill 787

Date of enactment: **March 22, 2016**

Date of publication\*: **March 23, 2016**

## 2015 WISCONSIN ACT 273

AN ACT *to amend* 46.40 (8), 46.82 (3) (a) 16., 46.856 (2) (a), 46.87 (2), 46.87 (3) (a), 46.87 (3) (b), 46.87 (4), 46.87 (5) (intro.), 46.87 (5) (a) 2., 46.87 (5) (a) 3., 46.87 (5) (b) and 46.87 (7); and *to create* 46.87 (1) (c), 46.87 (3) (d) and 46.87 (5m) of the statutes; **relating to:** participation by a tribe or band in the Alzheimer's Family and Caregiver Support Program, participation in and funding for respite care under the Alzheimer's Family and Caregiver Support Program, and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1bb.** 46.40 (8) of the statutes is amended to read:

46.40 (8) ALZHEIMER'S FAMILY AND CAREGIVER SUPPORT ALLOCATION. Subject to sub. (9), for services to persons with Alzheimer's disease and their caregivers under s. 46.87, the department shall distribute not more than ~~\$2,342,800~~ \$2,558,900 in each fiscal year.

**SECTION 1c.** 46.82 (3) (a) 16. of the statutes is amended to read:

46.82 (3) (a) 16. If designated under s. 46.87 (3) (c) or (d), administer the Alzheimer's disease family and caregiver support program under s. 46.87.

**SECTION 1e.** 46.856 (2) (a) of the statutes is amended to read:

46.856 (2) (a) Provide training and technical assistance to the staff of county departments under ss. 46.215, 46.22 and 46.23, to the staff of administering agencies designated under s. 46.87 (3) (c) or (d) and to other providers of services to persons with Alzheimer's disease, as defined in s. 46.87 (1) (a).

**SECTION 1g.** 46.87 (1) (c) of the statutes is created to read:

46.87 (1) (c) "Tribe or band" has the meaning given in s. 46.2805 (11).

**SECTION 1i.** 46.87 (2) of the statutes is amended to read:

46.87 (2) From the appropriations under s. 20.435 (7) (b) and (o), the department shall allocate funds to agencies designated under sub. (3) (c) or (d), to be used for the administration and implementation of an Alzheimer's family and caregiver support program for persons with Alzheimer's disease and their caregivers. The department shall allocate at least \$1,000,000 in each fiscal year toward respite care.

**SECTION 1k.** 46.87 (3) (a) of the statutes is amended to read:

46.87 (3) (a) A county board or tribe or band may apply to initially participate in the program created under this section by submitting to the department a one-time letter of intent to participate which includes a description of the program and services related to Alzheimer's disease which the county board or tribe or band intends to provide.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 1m.** 46.87 (3) (b) of the statutes is amended to read:

46.87 (3) (b) The department shall select counties and tribes or bands to participate in the program on the basis of criteria promulgated by rule.

**SECTION 1p.** 46.87 (3) (d) of the statutes is created to read:

46.87 (3) (d) A tribe or band selected to participate in the program shall designate an administering agency for the program.

**SECTION 1r.** 46.87 (4) of the statutes is amended to read:

46.87 (4) If a county board or tribe or band does not submit an application under sub. (3) (a) by January 1, 1986, the department shall make that ~~county's~~ allocation of the county or tribe or band available to a private non-profit organization, as defined under s. 108.02 (19), to administer the program created under this section and shall select the organization according to criteria promulgated by rule. An organization selected as the administering agency under this subsection shall continue to be eligible to receive the ~~county's~~ allocation of the county or tribe or band unless the county board or tribe or band subsequently submits to the department a letter of intent to participate and receives approval of its proposed program.

**SECTION 1t.** 46.87 (5) (intro.) of the statutes is amended to read:

46.87 (5) (intro.) The administering agency in each county or tribe or band may use the funds allocated to it to do any ~~or all~~ of the following:

**SECTION 1v.** 46.87 (5) (a) 2. of the statutes is amended to read:

46.87 (5) (a) 2. Either the person with Alzheimer's disease or the person's caregiver resides in the county or is a member of the tribe or band to which the household applies for participation in the program.

**SECTION 1w.** 46.87 (5) (a) 3. of the statutes is amended to read:

46.87 (5) (a) 3. The household meets financial eligibility requirements ~~specified by the department by rule in sub. (5m)~~, and persons in the household are ineligible for the family care benefit under s. 46.286 in a county in which a care management organization under s. 46.284 operates.

**SECTION 1wc.** 46.87 (5) (b) of the statutes is amended to read:

46.87 (5) (b) Provide or contract for the provision of services and goods or make payments for services to a person with Alzheimer's disease living in a residential facility in the county or in a residential facility associated with the tribe or band who meets financial eligibility requirements ~~specified by the department by rule in sub. (5m)~~ and is ineligible for the family care benefit under s. 46.286 in a county in which a care management organization under s. 46.284 operates.

**SECTION 1y.** 46.87 (5m) of the statutes is created to read:

46.87 (5m) A person is financially eligible for the program under this section if the joint income of the person with Alzheimer's disease and that person's spouse, if any, is \$48,000 per year or less, unless the department sets a higher limitation on income eligibility by rule. In determining joint income for purposes of this subsection, the administering agency shall subtract any expenses attributable to the Alzheimer's-related needs of the person with Alzheimer's disease or of the person's caregiver.

**SECTION 1z.** 46.87 (7) of the statutes is amended to read:

46.87 (7) The county board or tribe or band shall notify the department if any of the following occurs:

(a) The administering agency in the county or tribe or band is replaced by another.

(b) The county board or tribe or band intends to terminate participation in the program.

(c) The ~~county's~~ program and services of the county or tribe or band related to Alzheimer's disease contain a substantial difference, as defined by rule, from the description of the ~~county's~~ program and services of the county or tribe or band contained in the ~~county board's~~ letter of intent most recently submitted by the county board or tribe or band to the department under sub. (3) (a).

**SECTION 2c. Fiscal changes.**

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (7) (b) of the statutes, as affected by the acts of 2015, the dollar amount for fiscal year 2016-17 is increased by \$1,000,000 to pay for respite care under the Alzheimer's family and caregiver support program under section 46.87 of the statutes.