

## Report From Agency

DEPARTMENT OF HEALTH SERVICES

Office of Legal Counsel

F-02113 (05/2017)

STATE OF WISCONSIN

### RULEMAKING REPORT TO LEGISLATURE

#### CLEARINGHOUSE RULE 17-032

Ch. DHS 68, relating to support for persons with Alzheimer's disease and their caregivers.

#### **Basis and Purpose of Proposed Rule**

2015 Wisconsin Act 273 amended eligibility requirements, increased appropriation levels and included tribes or bands as local administrators for the Wisconsin Alzheimer's Family Caregiver Support Program (AFCSP). Revisions to ch. DHS 68 conform the rule to 2015 Act 273. Revisions also correct outdated terminology, update the range of caregiver support services that can be provided by the program, reconsider the program's cost-share requirement, and establish a funding formula that includes tribes or bands as entities contracted to administer the AFCSP at the local level. Specific revisions in terminology include a shift from use of the term "Alzheimer's disease" to the more general term "dementia." The statutory provision defines "Alzheimer's disease" to include other irreversible deteriorations of intellectual faculties. The terminology in the proposed rule is accordingly being updated to use the broader term "dementia" to include both Alzheimer's disease and other forms of neurocognitive disorder.

#### **Department Response to Legislative Council Rules Clearinghouse Recommendations**

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

#### **Final Regulatory Flexibility Analysis**

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The rule is being promulgated to conform an existing rule to statute. Pursuant to s. 227.114 (2), Stats, the department considered the methods for reducing the impact of proposed rule revisions on small businesses, however the rule is anticipated to have little to no economic impact if it is promulgated.

#### **Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis**

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No changes were made to the rule's economic impact analysis. Minor, non-substantive changes were made to the rule's analysis, based on recommendations indicated in the Legislative Council Rules Clearinghouse report.

#### **Public Hearing Summary**

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The department began accepting public comments on the proposed rule via the Wisconsin Legislature Administrative Rules website, and through the Department's Administrative Rules Website on June 15, 2017. A public hearing was held on July 26, 2017, in Madison. No persons attended the hearing. Public comments on the proposed rule were accepted until July 31, 2017.

### List of Public Hearing Attendees and Commenters

The following is a complete list of the persons who attended the public hearing or submitted comments on the proposed rule during the public comment period, the position taken by the commenter and whether or not the individual provided written or oral comments.

Commenter	Name and Address	Position Taken (Support or Opposed)	Method of Commenting (Oral or Written)
1.	No persons attended the public hearing or submitted comments on the proposed rule during the public comment period.		
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## Summary of Items Submitted with this Report to the Legislature

Below is a checklist of the items that are attached to or included in this report to the legislature under s. 227.19 (3), Stats.

Documents/Information	Included in Report	Attached	Not Applicable
Final proposed rule -- Rule Summary and Rule Text		x	
Department response to Rules Clearinghouse recommendations	x		
Final Regulatory Flexibility Analysis	x		
Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis	x		
Public Hearing Summary	x		
List of Public Hearing Attendees and Commenters	x		
Summary of Public Comments and Department Responses	x		
Fiscal Estimate/Economic Impact Analysis		x	
Revised Fiscal Estimate/Economic Impact Analysis			x
Small Business Regulatory Review Board (SBRRB) statement, suggested changes, or other material, and reports made under s. 227.14 (2g), Stats. and Department's response			x
Department of Administration (DOA) report under s. 227.115 (2), Stats., on rules affecting housing			x
DOA report under s. 227.137 (6), Stats., on rules with economic impact of \$20 MM or more			x
Public Safety Commission (PSC) energy impact report under s. 227.117 (2), Stats. and the Department's response, including a description of changes made to the rule			x