

PETITION TO REPEAL UNAUTHORIZED RULE
Clearinghouse Rule 18-043

The Department of Health Services hereby petitions the Joint Committee for Review of Administrative Rules to use the process provided in s. 227.26 (4), Stats. The Department has determined that s. DHS 82.06 (2m) contains an “unauthorized rule.” The Department submits the following analysis and proposed rule:

I. ANALYSIS

A. Statute/s that the proposed rule interprets

None.

B. Statute/s that authorizes promulgation

Section 227.26 (4), Stats.

C. Related statute/s

None.

D. Related rule/s

None.

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

The proposed rule, which strikes language from s. DHS 82.06 (2m), is authorized by s. 227.26 (4), Stats.

F. Brief summary of the proposed rule

Section DHS 82.06 (2m) references s. 50.033 (2r) to (2t), Stats. These statutes were repealed by 2007 WI Act 20. The proposed rule repeals references to these statutes.

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

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II. PROPOSED RULE

SECTION 1. DHS 82.06 (2m) is amended to read:

FAMILY CARE INFORMATION AND REFERRAL. If the secretary of the department has certified that a resource center, as defined in s. DHS 10.13 (42), is available for the home under s. DHS 10.71, an adult family home shall provide information to prospective residents and refer residents and prospective residents to an aging and disability resource center as required under ~~s. 50.033 (2r) to (2t), Stats., and~~ s. DHS 10.73.

SECTION 2. DHS 82.06 (2m) (note) is repealed.

SECTION 3. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.