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**STATEMENT OF SCOPE  
WISCONSIN DEPARTMENT OF HEALTH SERVICES**

**CHAPTERS/**

<b>RELATING TO: DHS 90</b>	<b>EARLY INTERVENTION SERVICES FOR CHILDREN FROM BIRTH TO AGE 3 WITH DEVELOPMENTAL NEEDS</b>
<b>DHS 103</b>	<b>ELIGIBILITY</b>
<b>DHS 104</b>	<b>RECIPIENT RIGHTS AND DUTIES</b>
<b>DHS 105</b>	<b>PROVIDER CERTIFICATION</b>
<b>DHS 106</b>	<b>PROVIDER RIGHTS AND RESPONSIBILITIES</b>
<b>DHS 107</b>	<b>COVERED SERVICES</b>
<b>DHS 109</b>	<b>SENIOR CARE</b>
<b>DHS 152</b>	<b>REIMBURSEMENT FOR TREATMENT OF CHRONIC RENAL DISEASE</b>
<b>DHS 250</b>	<b>TRIBAL MEDICAL RELIEF PROGRAMS</b>
<b>DHS 251</b>	<b>COUNTY RELIEF PROGRAMS</b>

**RULE TYPE: PERMANENT**

**SCOPE TYPE: ORIGINAL**

**SUMMARY**

**1. Description of rule objective/s**

The objective is to repeal or amend rules that the Department has identified as being in need of revision through the review process required under s. 227.29, Wis. Stats. Specific changes are outlined below, under “Policies proposed to be included in the rule.”

**2. Existing policies relevant to the rule**

- A. DHS 90.05 (4) (a) 2. (Note):** Explains how to submit complaints pertaining to operation of the early intervention services program.
- B. DHS 90.06 (1) (a) and (Note):** Defines the term “annual income after disability deductions” and provides information about 2015 Wis. Act 55.
- C. DHS 90.06 (1m) (Note):** Explains how to submit letters identifying county administrative agencies for the early intervention services program.
- D. DHS 90.06 Table: Assignment of Parental Cost Share (Note):** Indicates how to contact the Department to receive information about federal poverty guidelines for the early intervention services program.
- E. DHS 90.06 (2) (o) 2.:** Identifies responsibilities of the county administering agency for the early intervention services program.

- F. DHS 90.07 (3) (b) (Note): Provides information about the desired referral content of referral for screening or evaluation for the early intervention services program.
- G. DHS 90.07 (3) (c) 2. (Note): Provides information about screening for the early intervention services program.
- H. DHS 90.10 (5) (f) 4. a. & 90.10 (5) (f) 5. b.: Identifies procedures for preparing written transition plans for children exiting the early intervention services program upon reaching age 3.
- I. DHS 90.12 (3) (g): Identifies procedures for maintaining early intervention records.
- J. DHS 90.12 (4) (a): Identifies procedural safeguards for children receiving early intervention services by limiting access to records to only those individuals authorized to access the records by state law.
- K. DHS 90.12 (4) (b) 1.: Identifies procedures for giving parents of children receiving early intervention services the opportunity to review early intervention records.
- L. DHS 90.12 (5) (b) 3. (Note): Indicates how to contact the Department to request mediation for the early intervention services program.
- M. DHS 90.12 (5) (c): Identifies procedures for appointing mediators to resolve early intervention services disputes.
- N. DHS 90.12 (6) (a) 2. c. (Note): Provides information about how to request information about impartial decision-makers for the early intervention services program.
- O. DHS 90.12 (6) (b) (Note): Identifies procedures for requesting hearings to resolve early intervention services disputes.
- P. DHS 90.12 (6) (d) 4. d.: Identifies procedures for issuing written decisions of early intervention services dispute hearings.
- Q. DHS 103.04 (7) (d): Identifies special BadgerCare budgeting procedures for establishing asset and income limits to determine MA group eligibility for persons 18 years old.
- R. DHS 103.085 (3) (b) 2.: Identifies an exemption from BadgerCare re-enrollment restrictions.
- S. DHS 103.085 (6): Identifies a maximum income limit for BadgerCare eligibility.
- T. DHS 104.01 (3): Identifies confidential medical information.
- U. DHS 105.02 (5): Identifies providers required to participate in cost of dispensing surveys.

- V. DHS 105.16 (6) (a): Identifies MA certification requirements for home health agencies providing respiratory care services.
- W. DHS 105.19 (1) (b): Identifies MA certification requirements for nurses in independent practice performing skilled nursing services.
- X. DHS 105.22 (1) (b) & (3): Identifies psychotherapy providers.
- Y. DHS 105.23 (1) (c): Identifies alcohol and other drug abuse treatment providers.
- Z. DHS 106.06 (27): Addresses certification suspension or termination of entities participating as a health care providers.
- AA. DHS 107.03 (12): Identifies services not covered under MA.
- BB. DHS 107.06 (4) (e-i): Identifies MA covered physician services.
- CC. DHS 107.112 (2) (a) & (4) (e): Identifies MA covered personal care services.
- DD. DHS 107.13 (2) (d) 1.: Identifies mental health services not covered under MA.
- EE. DHS 107.24 (2) (c) 1., & 4. to 6.: Identifies MA covered durable medical equipment and medical supplies.
- FF. DHS 109.03 (12): Defines the term “program payment rate” under the SeniorCare program.
- GG. DHS 152.02 (25): Defines the term “resident” for the purpose of chronic renal disease treatment reimbursement.
- HH. DHS 250.03 (1): Defines the term “AFDC.”
- II. DHS 250.06 (1) (a): Addresses eligibility requirement waivers for tribal relief agencies.
- JJ. DHS 251.03 (13): Defines the term “relief block grant.”

### 3. Policies proposed to be included in the rule

The Department proposes to repeal obsolete rule chapters and make corrections to limited provisions in light of statutory changes and current practices. The Department may make further revisions based upon suggestions from the Legislative Council or through input received during the rulemaking process. The Department proposes the following:

- A. DHS 90.05 (4) (a) 2. (Note) is repealed.
- B. DHS 90.06 (1) (a) is amended to read:

DHS 90.06 (1) (a) “Annual income after disability deductions” means the annual parental income less a deduction of \$3,300 for each member of the family

participating in the birth to 3 program and each child under 19 years of age with a disability as defined in ~~s. DHS 65.02 (5)~~s. 46.272 (1) (b), Stats.

**C.** DHS 90.06 (1) (a) (Note) and (1m) (Note) are repealed.

**D.** DHS 90.06 Table: Assignment of Parental Cost Share (Note) is amended to read:

DHS 90.06 Table: Assignment of Parental Cost Share Note: The Federal Poverty Guidelines are adjusted yearly and are published annually in the Federal Register. The Department will distribute the applicable Federal Poverty Guidelines information that is effective each year. ~~To receive the current Federal Poverty Guidelines, contact the Birth to 3 Program Coordinator at the Division of Disability and Elder Services, P.O. Box 7851, Madison, WI 53707, or call 608-266-8276, or fax 608-261-6752.~~

**E.** DHS 90.06 (2) (o) 2. is amended to read:

DHS 90.06 (2) (o) 2. The early intervention record is kept separate from other records on the child maintained by the agency unless the parent specifically agrees in writing that another record and the early intervention record be kept together. Other records that might be kept with the early intervention record are the family support assessment and plan under ~~s. 46.985, Stats., and ch. DHS 65, and the community options program assessment under s. 46.27 (6), Stats.~~ss. 46.27 (11) and 46.272, Stats.

~~Note: Section 46.985, Stats., was repealed by 2015 Wis. Act 55 rendering Chapter DHS 65 unenforceable and without effect. Chapter DHS 65 will be repealed in future rulemaking.~~

**F.** DHS 90.07 (3) (b) (Note) is amended to read:

DHS 90.07 (3) (b) (Note): Referral sources should differentiate between a request or need for a formal screening and referral for an evaluation. ~~For example, a child diagnosed as having Down syndrome, which has a high probability of resulting in a developmental delay, should be referred for an evaluation rather than a formal screening, whereas a child who seems slow in speech or motor development may first be formally screened to determine if there is need for an evaluation.~~

**G.** DHS 90.07 (3) (c) 2. (Note) is repealed.

**H.** DHS 90.10 (5) (f) 4. a. and 5. b. are amended to read:

DHS 90.10 (5) (f) 4. a. Prepare a written transition plan to reflect decisions made at the conference and the roles of sending and receiving agencies at least 90 days but not more than 9 months before the child reaches age 3; and

DHS 90.10 (5) (f) 5. b. Prepare a written transition plan to reflect decisions made at the conference and the role of sending and receiving agencies at least 90 days but not more than 9 months before the child reaches age 3.

**I.** DHS 90.12 (3) (g) is amended to read:

DHS 90.12 (3) (g) The county administrative agency shall inform the parent when personally identifiable information contained in the early intervention record is no longer needed to provide early intervention services. The information shall be destroyed at the request of the parent except that a permanent record of the child's name, date of birth, the parent's address, the parent's phone number, and dates of enrollment in the program names of service coordinator(s) and service provider(s), and exit data (including year and age upon exit and any programs entered into upon exiting) may be maintained. In this paragraph, "destruction" means physical destruction or removal of personally identifiable information from the early intervention record.

**J.** DHS 90.12 (4) (a) is amended to read:

DHS 90.12 (4) (a) The parent of a child may review all early intervention records concerning the child unless the county administrative agency has been advised provided documentation that the parent does not have the authority under state law to review a record under state law governing such matters as custody, foster care, guardianship, separation and divorce.

**K.** DHS 90.12 (4) (b) 1. is amended to read:

DHS 90.12 (4) (b) 1. Make the records available to the parent without unnecessary delay but not later than ~~45 working~~10 days following the date of the request except that, if the request is in connection with a meeting on the individualized family service plan or a hearing to resolve a dispute or complaint involving the parent and the county agency or service provider, the records shall be made available at least 5 days before the meeting or hearing but in no case later than ~~45 working~~10 days following the date of the request;

**L.** DHS 90.12 (5) (b) 3. (Note) is repealed.

**M.** DHS 90.12 (5) (c) is amended to read:

DHS 90.12 (5) (c) *Appointment of mediator.* 1. ~~a. A party that requests mediation may nominate a mediator from the roster under par. (d). If a party nominates a mediator, the department shall include in the notice under par. (b) 1. the name of the nominated mediator.~~  
~~b. If both parties nominate the same person as mediator, the department shall appoint that person as mediator if he or she is on the roster under par. (d) and available to mediate.~~  
~~c. If both parties request mediation but neither party nominates a mediator, the department shall propose a mediator from the roster under par. (d).~~  
~~d. If both parties consent to mediation but the party that requests mediation does not nominate a mediator, the nominated mediator is not available or the other party does not consent to the appointment of the nominated mediator, the department shall propose a mediator from the roster under par. (d).~~  
 2. ~~Whenever the department proposes a mediator under subd. 1. c. or d., the department shall send information about the mediator's training and experience to both parties. Within 2 business days after receiving the information, either party may~~

~~request the department to propose a different mediator from the roster under par. (d).~~

~~3. Both parties may agree to use a mediator not listed on the roster in par. (d). If the parties choose a non-roster mediator, the parties shall agree to pay the compensation of that mediator as provided in par. (g) 3. The department shall select a mediator on an impartial basis.~~

**N.** DHS 90.12 (6) (a) 2. c. (Note) is repealed.

**O.** DHS 90.12 (6) (b) (Note) is repealed.

**P.** DHS 90.12 (6) (d) 4. d. is amended to read:

DHS 90.12 (6) (d) 4. d. Issue a written decision, and mail it to both parties and to the state birth to 3 program coordinator not later than 4530 days after receipt of the request for hearing under par. (b), unless granting an extension of the time period limit at the request of either party. If an extension is granted, the impartial decision-maker shall include that extension and the reason for it in the hearing record; and

**Q.** DHS 103.04 (7) (d) is amended to read:

DHS 103.04 (7) (d) ~~48~~Under 19 year old case. An 18Any person under 19 years old who resides with his or her parent or parents ~~may~~must have his or her BadgerCare eligibility determined either with the parent(s) ~~or parents or separately.~~

**R.** DHS 103.085 (3) (b) 2. is repealed.

**S.** DHS 103.085 (6) is repealed.

**T.** DHS 104.01 (3) is amended to read:

DHS 104.01 (3) CONFIDENTIALITY OF MEDICAL INFORMATION. Information about recipients shall be confidential in accordance with ~~ss. 146.81 to 146.83,~~ Stats all applicable federal and state laws. No privilege exists under MA regarding communications or disclosures of information requested by appropriate federal or state agencies or their authorized agents concerning the extent or kind of services provided recipients under the program. The disclosure by a provider of these communications or medical records, made in good faith under the requirements of this program, shall not create any civil liability or provide any basis for criminal actions for unprofessional conduct.

**U.** DHS 105.02 (5) is amended to read:

DHS 105.02 (5) PARTICIPATION IN SURVEYS. ~~Nursing home and hospital providers~~Providers shall participate in surveys conducted for research and MA policy purposes by the department or its designated contractors. Participation involves accurate completion of the survey questionnaire and return of the completed survey form to the department or to the designated contractor within the specified time period.

V. DHS 105.16 (6) (a) (intro.) is amended to read:

DHS 105.16 (6) (a) A certified home health agency may be certified to provide respiratory care services under s. DHS 107.113 if registered nurses, licensed practical nurses and respiratory therapists employed by or under contract to the agency and providing these services ~~are certified under ch. Med 20 and:~~

W. DHS 105.19 (1) (b) is amended to read:

DHS 105.19 (1) (b) For MA certification to perform respiratory care services as a provider in independent practice, the provider ~~shall be certified pursuant to ch. Med 20 and~~ shall be a nurse described in par. (a) or a respiratory therapist. Any person providing or supervising respiratory care who is not credentialed by the national board on respiratory care shall know how to perform the services under s. DHS 107.113 (1) and shall have the skills necessary to perform those services. Skills required to perform services listed in s. DHS 107.113 (1) (e) to (f) are required on a case-by-case basis, as appropriate. In no case may a person provide respiratory care before that person has demonstrated competence in all areas under s. DHS 107.113 (1) (a) to (d). A registered nurse who fulfills these requirements shall coordinate the recipient's care.

X. DHS 105.22 (1) (b) is amended to read:

DHS 105.22 (1) (b) A psychologist licensed under ch. 455, Stats., ~~who is listed or eligible to be listed in the national register of health service providers in psychology;~~

DHS 105.22 (1) (bn) to (br) are created to read:

DHS 105.22 (1) (bn) A marriage and family therapist licensed under s. 457.10, Stats., including holding a valid training or temporary license;

DHS 105.22 (1) (bo) A professional counselor licensed under s. 457.12, Stats., including holding a valid training or temporary license;

DHS 105.22 (1) (bp) An advanced practice social worker certified under s. 457.08 (2), Stats.;

DHS 105.22 (1) (bq) An independent social worker certified under s. 457.08 (3), Stats.;

DHS 105.22 (1) (br) A clinical social worker licensed under s. 457.08 (4), Stats.;

DHS 105.22 (3) is amended to read:

DHS 105.22 (3) REIMBURSEMENT FOR OUTPATIENT PSYCHOTHERAPY SERVICES. Reimbursement shall be made to any certified ~~outpatient mental health clinic meeting the requirement under sub. (1) (c) for services rendered by any provider who meets the applicable requirements under ch. DHS 35 and working for that clinic, except that a provider certified under sub. (1) (a), (b), or (bm) may be reimbursed directly~~ psychotherapy provider whose practice, as described by individual licensure or clinic certification regulations, allows for the delivery of

psychotherapy without clinical supervision. For outpatient psychotherapy services delivered by certified providers who are required, under individual licensure or clinic certification regulations, to practice under a clinical supervisor, reimbursement shall be made to the supervising provider. The supervising provider must be MA certified.

**Y.** DHS 105.23 (1) (c) is amended to read:

DHS 105.23 (1) TYPES OF PROVIDERS. For MA certification, an outpatient alcohol and other drug abuse (AODA) treatment provider shall be:

- (a) An outpatient facility operated by a board and certified under s. DHS 75.13;
- (b) An outpatient facility or hospital outpatient AODA facility certified under s. DHS 75.13; or
- (c) A provider certified under ss. DHS 105.05 (1) or 105.22 (1) (b), 105.22 (1) (d), 105.22 (1) (e), or 105.22 (1) (h), Stats., excluding holding a valid training or temporary license.

**Z.** DHS 106.06 (27) is repealed.

**AA.** DHS 107.03 (12) is amended to read:

DHS 107.03 (12) Consultations between or among providers, except as specified in s. 49.45 (29y), Stats., and s. DHS 107.06 (4) (e);

**BB.** DHS 107.06 (4) (e) is repealed.

**CC.** DHS 107.112 (2) (a) & (4) (e) are amended to read:

DHS 107.112 (2) (a) Prior authorization is required for personal care services in excess of 25050 hours per calendar year.

DHS 107.112 (4) (e) Personal care services provided in excess of 25050 hours per calendar year without prior authorization;

**DD.** DHS 107.13 (2) (d) 1. is amended to read:

DHS 107.13 (2) (d) *Non-covered services.* All of the following services are not covered services:

- 1. Collateral interviews with persons not stipulated in par. (c) 1., and consultations, except as provided in s. 49.45 (29y), Stats., and s. DHS 107.06 (4) (d).

**EE.** DHS 107.24 (2) (c) 1. & 4. to 6. are amended to read:

DHS 107.24 (2) (c) 1. Occupational therapy assistive or adaptive equipment. This is medical equipment used ~~in a recipient's home~~ to assist a disabled person to adapt to the environment or achieve independence in performing daily personal functions. Examples are adaptive hygiene equipment, adaptive positioning equipment and adaptive eating utensils.

DHS 107.24 (2) (c) 4. Other home health care durable medical equipment. This is medical equipment used ~~in a recipient's home~~ to increase the independence of



a disabled person or modify certain disabling conditions. Examples are patient lifts, hospital beds and traction equipment.

DHS 107.24 (2) (c) 5. Oxygen therapy equipment. This is medical equipment used ~~in a recipient's home~~ for the administration of oxygen or medical formulas or to assist with respiratory functions. Examples are a nebulizer, a respirator and a liquid oxygen system.

DHS 107.24 (2) (c) 6. Physical therapy splinting or adaptive equipment. This is medical equipment used ~~in a recipient's home~~ to assist a disabled person to achieve independence in performing daily activities. Examples are splints and positioning equipment.

**FF.** DHS 109.03 (12) is amended to read:

DHS 109.03 (12) "Program payment rate" means the rate of payment made for the identical drug specified under s. 49.46 (2) (b) 6. h., Stats., ~~plus 5%~~, plus a dispensing fee that is equal to the dispensing fee permitted to be charged for prescription drugs for which coverage is provided under s. 49.46 (2) (b) 6. h., Stats.

**GG.** DHS 152.02 (25) is repealed.

**HH.** DHS 250.03 (1) is repealed.

**II.** DHS 250.06 (1) (a) is amended to read:

DHS 250.06 (1) (a) Waiver of the prohibition against receiving ~~AFDC or~~ SSI may be granted in cases of unusual misfortune or hardship as determined by the tribal governing body.

**JJ.** DHS 251.03 (13) is repealed.

#### **4. Analysis of policy alternative**

This Statement of Scope seeks authorization to repeal obsolete rule chapters that the Department identified throughout the rule review process required under s. 227.29, Wis. Stats.. No reasonable policy alternatives exist to promulgating the proposed rules.

#### **5. Statutory authority for the rule**

##### **a. Explanation of authority to promulgate the proposed rule**

**A.** DHS 90.05 (4) (a) 2. **Note:** The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.

- B.** DHS 90.06 (1) (a) and (Note): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- C.** DHS 90.06 (1m) Note: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- D.** DHS 90.06 Table: Assignment of Parental Cost Share (Note): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- E.** DHS 90.06 (2) (o) 2.: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- F.** DHS 90.07 (3) (b) Note: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- G.** DHS 90.07 (3) (c) 2. Note: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- H.** DHS 90.10 (5) (f) 4. a. and 90.10 (5) (f) 5. b.: The Department is authorized to promulgate rules for the statewide implementation of the program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b) and 227.11 (2) (a), Wis. Stats.
- I.** DHS 90.12 (3) (g): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- J.** DHS 90.12 (4) (a): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- K.** DHS 90.12 (4) (b) 1.: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- L.** DHS 90.12 (5) (b) 3. (Note): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- M.** DHS 90.12 (5) (c): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.

- N.** DHS 90.12 (6) (a) 2. c. (Note): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- O.** DHS 90.12 (6) (b) (Note): The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- P.** DHS 90.12 (6) (d) 4. d.: The Department is authorized to promulgate rules for the statewide implementation of the early intervention services program under ss. 51.44 (1m), 51.44 (5) (a), 51.44 (5) (am), 51.44 (5) (b), and 227.11 (2) (a), Wis. Stats.
- Q.** DHS 103.04 (7) (d): The Department is authorized to promulgate rules for establishing MA eligibility under ss. 49.46 (1), 49.47 (4), and 49.471 (12), Wis. Stats.
- R.** DHS 103.085 (3) (b) 2.: The Department is authorized to promulgate rules for establishing MA eligibility under ss. 49.46 (1), 49.47 (4), and 49.471 (12), Wis. Stats.
- S.** DHS 103.085 (6): The Department is authorized to promulgate rules for establishing MA eligibility under ss. 49.46 (1), 49.47 (4), and 49.471 (12), Wis. Stats.
- T.** DHS 104.01 (3): The Department is authorized to promulgate rules for identifying confidentiality of medical information under s. 49.791 (7), Wis. Stats.
- U.** DHS 105.02 (5): The Department is authorized to promulgate rules for establishing MA provider certification under ss. 49.45 (10), 49.665 (3), 49.665 (4), and 49.665 (5), Wis. Stats.
- V.** DHS 105.16 (6) (a): The Department is authorized to promulgate rules for establishing MA provider certification under s. 49.45 (2) (a), Wis. Stats.
- W.** DHS 105.19 (1) (b): The Department is authorized to promulgate rules for establishing MA provider certification under s. 49.45 (2) (a), Wis. Stats.
- X.** DHS 105.22 (1) & (3): The Department is authorized to promulgate rules for establishing MA provider certification under s. 49.45 (2) (a), Wis. Stats.
- Y.** DHS 105.23 (1) (c): The Department is authorized to promulgate rules for establishing MA provider certification under s. 49.45 (2) (a), Wis. Stats.
- Z.** DHS 106.06 (27): The provision is unauthorized, following the repeal of s. 49.45 (3) (h) 1., Wis. Stats.
- AA.** DHS 107.03 (12): The Department is authorized to promulgate rules for establishing MA covered services under ss. 49.46 (2) and 49.47 (6) (a), Wis. Stats.
- BB.** DHS 107.06 (4) (e-i): The Department is authorized to promulgate rules for establishing MA covered services under ss. 49.46 (2) and 49.47 (6) (a), Wis. Stats.

- CC.** DHS 107.112 (2) (a) & (4) (e): The Department is authorized to promulgate rules for establishing MA covered services under ss. 49.46 (2) and 49.47 (6) (a), Wis. Stats.
- DD.** DHS 107.13 (2) (d) 1.: The Department is authorized to promulgate rules for establishing MA covered services under s. 49.45 (2) (a), Wis. Stats.
- EE.** DHS 107.24 (2) (c) 1. & 4.-6.: The Department is authorized to promulgate rules for establishing MA covered services under ss. 49.46 (2) and 49.47 (6) (a), Wis. Stats.
- FF.** DHS 109.03 (12): The Department is authorized to promulgate rules for the Senior Care program under ss. 49.688 and 227.11 (2), Wis. Stats.
- GG.** DHS 152.02 (25): The Department is authorized to promulgate rules for chronic renal disease treatment reimbursement under ss. 49.68 (2), 49.687 (1), and 227.11 (2) (a), Wis. Stats.
- HH.** DHS 250.03 (1): The provision is unauthorized, following the termination of the related federal program.
- II.** DHS 250.06 (1) (a): The provision is unauthorized, following the termination of the related federal program.
- JJ.** DHS 251.03 (13): The provision is unauthorized, following the repeal of ss. 49.025 and 49.027, Wis. Stats.

**b. Statute/s that authorize/s the promulgation of the proposed rule**

See references above, in "Explanation of authority to promulgate the proposed rule."

**c. Statute/s or rule/s that will affect the proposed rule or be affected by it**

See references above, in "Policies proposed to be included in the rule"

**6. Estimates of the amount of time that state employees will spend to develop the rule and other necessary resources**

The estimated time for state staff to develop the rule is 500 to 1,000 hours.

**7. Description of all of the entities that may be affected by the rule, including any local governmental units, businesses, economic sectors, or public utility ratepayers who may reasonably be anticipated to be affected by the rule**

- A.** DHS 90.05 (4) (a) 2. (Note): The Department, county departments, administering agencies designated by county departments, and service providers.

- B.** DHS 90.06 (1) (a) and (Note): County departments and administering agencies designated by county departments.
- C.** DHS 90.06 (1m) (Note): The Department and county departments.
- D.** DHS 90.06 Table: Assignment of Parental Cost Share (Note): The Department, county departments, administering agencies designated by county departments, and service providers.
- E.** DHS 90.06 (2) (o) 2.: County departments and administering agencies designated by county departments.
- F.** DHS 90.07 (3) (b) (Note): The Department county departments, administering agencies designated by county departments, local education agencies, service providers, and day care providers.
- G.** DHS 90.07 (3) (c) 2. (Note): Service providers.
- H.** DHS 90.10 (5) (f) 4. a. & 90.10 (5) (f) 5. b.: The Department, county departments, administering agencies designated by county departments, and local education agencies.
- I.** DHS 90.12 (3) (g): The Department, county departments, administering agencies designated by county departments, and service providers.
- J.** DHS 90.12 (4) (a): The Department and county departments.
- K.** DHS 90.12 (4) (b) 1.: The Department and county departments.
- L.** DHS 90.12 (5) (b) 3. (Note): The Department.
- M.** DHS 90.12 (5) (c): The Department.
- N.** DHS 90.12 (6) (a) 2. c. (Note): The Department.
- O.** DHS 90.12 (6) (b) (Note): The Department.
- P.** DHS 90.12 (6) (d) 4. d.: The Department, Department of Administration, and county departments.
- Q.** DHS 103.04 (7) (d): The Department.
- R.** DHS 103.085 (3) (b) 2.: The Department.
- S.** DHS 103.085 (6): The Department.
- T.** DHS 104.01 (3): The Department, county departments, administering agencies designated by county departments, health care providers, and tribal governing bodies.

- U. DHS 105.02 (5): The Department and health care providers.
- V. DHS 105.16 (6) (a): The Department and home health agencies.
- W. DHS 105.19 (1) (b): The Department and nurses in independent practice.
- X. DHS 105.22 (1) (b) & (3): The Department and psychotherapy providers.
- Y. DHS 105.23 (1) (c): The Department and psychotherapy providers.
- Z. DHS 106.06 (27): The Department and health care providers.
- AA. DHS 107.03 (12): The Department and health care providers.
- BB. DHS 107.06 (4) (e-i): The Department and health care providers.
- CC. DHS 107.112 (2) (a) & (4) (e): The Department and personal care providers.
- DD. DHS 107.13 (2) (d) 1.: The Department and health care providers.
- EE. DHS 107.24 (2) (c) 1., & 4. to 6.: The Department and health care providers.
- FF. DHS 109.03 (12): The Department and health care providers.
- GG. DHS 152.02 (25): The Department and health care providers.
- HH. DHS 250.03 (1): The Department and tribal governing bodies.
- II. DHS 250.06 (1) (a): The Department and tribal governing bodies.
- JJ. DHS 251.03 (13): The Department, county departments, administering agencies designated by county departments, and tribal governing bodies.

**8. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule**

There appear to be no existing or proposed federal regulations that address the activities to be regulated by the proposed rules.

**9. Anticipated economic impact, locally or statewide**

The proposed rules are not anticipated to have an economic impact.

**10. Agency contacts**

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