

1 **AN ACT** *to repeal* 48.983 (6) (a) 5.; *to amend* 48.983 (2), 48.983 (4) (b) 1. and 48.983
 2 (6) (a) 1., 2., 3., and 4.; and *to create* 253.163 of the statutes; **relating to:** home
 3 visits by nurses and nurse assistants to achieve good birth outcomes for mothers and
 4 infants.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Infant Mortality.

The draft specifies that all home visits funded by federal moneys under the federal Patient Protection and Affordable Care Act shall be provided the Department of Health Services to pregnant women and infants up to one year of age by nurses and their assistants for the purpose of achieving good birth outcomes.

5 **SECTION 1.** 48.983 (2) of the statutes is amended to read:

6 48.983 (2) FUNDS PROVIDED. If a county, private agency, or Indian tribe applies and is
 7 selected by the department under sub. (5) to participate in the program under this section, the
 8 department shall award, from the appropriation under s. 20.437 (1) (ab), a grant annually to
 9 be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a
 10 grant is \$10,000. The county, private agency, or Indian tribe shall agree to match at least 25
 11 percent of the grant amount annually in funds or in-kind contributions. The department shall
 12 determine the amount of a grant awarded to a county, private agency, or Indian tribe in excess
 13 of the minimum amount based on the need of the county, private agency, or Indian tribe for
 14 a grant, as determined by a formula that the department shall promulgate by rule. That formula
 15 shall determine that need based on the number of births that are funded by Medical Assistance

1 under subch. IV of ch. 49 in that county, the area in which that private agency is providing
2 services, or the reservation of that Indian tribe ~~and on the rate of poor birth outcomes, including~~
3 ~~infant mortality, premature births, low birth weights, and racial or ethnic disproportionality~~
4 ~~in the rates of those outcomes, in that county, the area in which that private agency is providing~~
5 ~~services, or the reservation of that Indian tribe.~~

6 **SECTION 2.** 48.983 (4) (b) 1. of the statutes is amended to read:

7 48.983 (4) (b) 1. A county, private agency, or Indian tribe that is selected to participate
8 in the program under this section shall offer all pregnant women in the county, the area in
9 which that private agency is providing services, or the reservation of the tribe who are eligible
10 for Medical Assistance under subch. IV of ch. 49 an opportunity to undergo an assessment
11 through use of a risk assessment instrument to determine whether the person assessed presents
12 risk factors for poor birth outcomes or for perpetrating child abuse or neglect. ~~Persons who~~
13 ~~agree to be assessed shall be assessed during the prenatal period.~~ The risk assessment
14 instrument shall be developed by the department and shall be based on risk assessment
15 instruments developed by the department for similar programs that are in operation. The
16 department need not promulgate as rules under ch. 227 the risk assessment instrument
17 developed under this subdivision. A person who is assessed to be at risk of ~~poor birth~~
18 ~~outcomes or of abusing or neglecting his or her child~~ shall be offered home visitation program
19 services ~~that shall be commenced during the prenatal period.~~ Home visitation program
20 services may be provided to a family with a child who is one year to 3 years of age and is
21 identified as being at risk of child abuse or neglect ~~until the identified child reaches 3 years~~
22 ~~of age.~~ If a family has been receiving home visitation program services continuously for not
23 less than 12 months, those services may continue to be provided to the family until the
24 identified child reaches 3 years of age, regardless of whether the child continues to be eligible

1 for Medical Assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect with
2 respect to the identified child continue to be present when the child reaches 3 years of age,
3 home visitation program services may be provided until the identified child reaches 5 years
4 of age. Home visitation program services may not be provided to a person unless the person
5 gives his or her written informed consent to receiving those services or, if the person is a child,
6 unless the child's parent, guardian, or legal custodian gives his or her written informed consent
7 for the child to receive those services.

8 **SECTION 3.** 48.983 (6) (a) 1., 2., 3., and 4. of the statutes are amended to read:

9 48.983 **(6)** (a) 1. Information on how the applicant's home visitation program is
10 comprehensive, incorporates practice standards that have been developed for home visitation
11 programs by entities concerned with the prevention of ~~poor birth outcomes~~ and child abuse
12 and neglect and that are acceptable to the department, and incorporates practice standards and
13 critical elements that have been developed for successful home visitation programs by a
14 nationally recognized home visitation program model and that are acceptable to the
15 department.

16 2. Documentation that the application was developed through collaboration among
17 public and private organizations that provide services to children and families, especially
18 children who are at risk of child abuse or neglect and ~~families that are at risk of poor birth~~
19 ~~outcomes~~, or that are otherwise interested in child welfare and a description of how that
20 collaboration effort will support a comprehensive home visitation program.

21 3. An identification of existing ~~poor birth outcome~~ and child abuse and neglect
22 prevention services that are available to residents of the county, the area in which the private
23 agency is providing services, or the reservation of the Indian tribe and a description of how

1 those services and any additional needed services will support a comprehensive home
2 visitation program.

3 4. An explanation of how the home visitation program will build on existing ~~poor birth~~
4 ~~outcome~~ and child abuse and neglect prevention programs, including programs that provide
5 support to families, and how the home visitation program will coordinate with those programs.

6 **SECTION 4.** 48.983 (6) (a) 5. of the statutes is repealed.

COMMENT: SECTIONS 1 through 4 remove references to poor birth outcomes from the child abuse and neglect prevention statute regarding home visiting services administered by the Department of Children and Families. SECTION 2 also specifies that home visiting services related to child abuse and neglect are to be provided to children who are more than one year of age. These changes distinguish home visitation services related to healthy birth outcomes from home visitation services related to child abuse and neglect prevention.

7 **SECTION 5.** 253.163 of the statutes is created to read:

8 **253.163 Home visiting services.** (1) All home visiting services provided in this state
9 that are funded by moneys received under P.L. 111-148 shall be provided by the department
10 to pregnant woman and infants from the beginning of pregnancy until the infant is one year
11 of age.

12 (2) The home visiting services referenced in this section shall be provided by nurses or
13 persons trained to assist nurses in order to prevent poor birth outcomes and to encourage
14 healthy pregnancies and healthy growth and development of the infant. The services shall
15 include the following:

16 (a) Prenatal checkups.

17 (b) Education and information on parenting skills and newborn and infant care.

18 (c) Mentoring.

19 (d) Postpartum checkups.

