



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1309/1
FFK:kjf:jf

DOA:.....Silver, BB0310 – Authorize DHS to set fees for congenital disorders tests by rule

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, the State Laboratory of Hygiene Board sets fees for testing infants for congenital disorders. Under this bill, DHS is authorized to set fees for testing infants for congenital disorders by administrative rule.

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

SECTION 1. 253.13 (2) of the statutes is amended to read:

253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM; FEES. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary

treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and his or her family. ~~The state laboratory of hygiene board, on behalf of the department,~~ shall impose a fee, by rule, for tests performed under this section sufficient to pay for services provided under the contract. ~~The state laboratory of hygiene board shall~~ department may include as part of this fee amounts the department determines are sufficient to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), the costs of administering the hearing screening program under s. 253.115, and the costs of administering the congenital disorder program under this section and shall credit these amounts to the appropriation accounts under s. 20.435 (1) (ja) and (jb).

****NOTE: This is reconciled s. 253.13 (2). This SECTION has been affected by drafts with the following LRB numbers: 1187/P4 and 1309/P1.

SECTION 9121. Nonstatutory provisions; Health Services.

(1) CONGENITAL DISORDER TESTING FEES; RULES. Using the procedure under section 227.24 of the statutes, the department of health services shall promulgate rules required under section 253.13 (2) of the statutes, as affected by this act, for the period before the effective date of the permanent rules promulgated under section 253.13 (2) of the statutes, as affected by this act, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of health services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not

required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9321. Initial applicability; Health Services.

(1) CONGENITAL TESTING FEES; RULES. The treatment of section 253.13 (2) of the statutes first applies to tests specified under section 253.13 of the statutes that are submitted to the state laboratory of hygiene on the effective date of this subsection.

SECTION 9421. Effective dates; Health Services

(1) CONGENITAL TESTING FEES; RULES. The treatment of section 253.13 (2) of the statutes and SECTION 9321 (1) of this act take effect on the first day of the 4th month beginning after publication.

(END)