



DAVE HEATON

STATE REPRESENTATIVE • 85TH ASSEMBLY DISTRICT

Testimony of Representative Dave Heaton **AB 385** **Assembly Committee on Children and Families** *Wednesday October 28, 2015*

Madam Chair, members of the Committee, thank you for holding this hearing and giving me an opportunity to speak to you today in support of Assembly Bill 385 (AB 385). I would like to thank the hardworking staff of the Department of Children and Families for all of their hard work on this legislation. I would also like to thank Senator Petrowski for co-authoring this legislation.

AB 385 is being brought forward at the request of the Department of Children and Families (DCF) as part of the Red Tape Review initiative. This legislation will streamline language in the administrative code to reflect changes in DCF programs' structure and execution as well as eliminate chapters of administrative rules that are obsolete. Many of the provisions in AB 385 were a part of 2013 AB 677, which was approved with wide, bipartisan support by the Assembly last session, 96-3.

AB 385 amends several of DCF's administrative rules governing the certification of child care operators, governing the licensing of child welfare agencies, and establishing standards for the operation of child care centers. In addition, AB 385 eliminates rules promulgated by DCF related to retaining public assistance case records. These rules originate from the 1970s and are no longer needed due to extensive federal regulations which provide guidelines for retaining records.

This bill would bring the administrative code in line with current department programs and practices and remove unnecessary government red tape. The changes provided in the legislation will help DCF operate more efficiently and do a better job of serving the citizens of Wisconsin.

Madam Chair and members, thank you again for the opportunity to testify before you today.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: October 28, 2015
To: Members of the Assembly Children and Families Committee
From: Sara Buschman, Assistant Deputy Secretary
Re: Department Position on AB 385 – In support

Representative Rodriguez and members of the Assembly Children and Families Committee,

Thank you for the opportunity to testify on AB 385. My name is Sara Buschman and I am the Assistant Deputy Secretary for the Department of Children and Families. With me today is Jill Chase, the Deputy Director for the Division of Early Care and Education and we also have several staff with us in the audience in case the committee has technical questions Jill or I are unable to answer.

I would like to start by thanking Representative Heaton for authoring this bill as part of the Assembly's "Red Tape Review" process. The discussion on this bill began in this committee last session but given that most members are new to the committee this session, I will walk you through what obsolete chapters AB 385 eliminates and what language in our administrative rules are streamlined and will reflect changes in DCF's programs' structure and execution.

AB 385 modifies the following:

1. DCF Chapter 54 – Child Placing Agencies

The Legislative Audit Bureau (LAB) audited DCF's oversight of Child Placing Agencies in 2013. In the LAB report released in October 2013, they recommended that DCF revise Chapter 54, relating to child placing agencies application submission deadlines, to be consistent with Wisconsin Statute 48.66(5). DCF 54 currently requires the application to be submitted 3 weeks prior to the expiration of the current license. Their recommendation was to require child-placing agencies to submit their applications at least 30 days prior to the continuation date, which is the timeline specified under statute 48. This change reflects that recommendation.

2. DCF Chapter 110 - Transitional Jobs for Low-Income Adults

Eliminates this obsolete chapter. The Transitional Jobs Demonstration project ended on June 30, 2013. Given its completion and the repeal of the authorizing statute, Chapter DCF 110 is obsolete and should be repealed in its entirety.

3. DCF Chapter 121 - Public Assistance Record Retention

Eliminates this obsolete chapter, which had its origins in the late 1970s when county agencies were required to retain public assistance records. The rule has changed little over the past 30 years and failed to keep pace with significant changes in technology and the creation of new federal regulations.

Few paper records exist anymore, and files are stored in the centralized electronic file repository maintained by the Department of Health Services and DCF as part of the CARES system. Federal statutes and regulations relating to electronic data security, data sharing, and privacy now provide a comprehensive regulatory framework that dictates how the department has to handle both electronic and the few remaining paper records. Because of these extensive federal regulations, a state rule is no longer needed.

4. DCF Chapter 202 – Child Care Certification

Amends this chapter to repeal inconsistent and outdated components of the rule:

- a. Amends DCF Chapter 202 to refer to certification agencies rather than just county and tribal agencies. This change is necessary because some counties contract out for certification.
- b. 2009 Wisconsin Act 28 provided for the state takeover of Wisconsin Shares, the state's child care subsidy program, from Milwaukee County. As a part of this takeover, a new child care provider services unit in Milwaukee County was established, otherwise known as the Milwaukee Early Care Administration (MECA).

Due to this administrative change, practices have changed as well. DCF 202 has not been updated to reflect the establishment of MECA. AB 385 modifies Chapter 202 to reflect current practices, resolve the mismatch between the statute and the rule, and clarify authority for the department and providers.

- c. DCF 202.08 Standards for Family Child Care and In-Home Child Care-Home Requirements
 - i. Repeals a portion of this rule to remove outdated material that required child care operator compliance by June 1, 2010.
 - ii. Adds the requirement that the phone number for Child Protective Services (CPS) be posted near the phone where other emergency phone numbers, such as the rescue squad, police, fire station, emergency medical care, and poison control center, must be posted. This addition will help providers quickly reach the appropriate person if they need to contact CPS.
 - iii. Tuberculosis (TB) testing
 1. Removes the TB test requirement upon recertification and clarifies who is subject to a TB test based on the Center for Disease Control (CDC) guidelines. Providers would still need to show that they are free from TB prior to certification.
 2. Amends DCF rules to allow a certification agency to accept the results of a TB test administered up to 12 months prior to the date the provider began working with children if later than the certification date.

3. Expands the TB requirement to include all providers, rather than just the operator, in certified settings. This ensures that caregivers working with children have been screened for TB. This is consistent with DCF 250 licensing requirements for family child care and consistent with DCF 202 requirements for school-age care.
- iv. Clarifies that the operator, rather than the provider as in current rule, must have the landlord's permission to operate a certified family child care program in a rental property. The provider can be a certified child care operator or an employee or volunteer of the child care operator whereas the operator is the person, corporation, or partnership that has legal and financial responsibility for the operation of a child care program and for meeting the requirements under this chapter.

5. DCF Chapter 203 – Child Care Quality Standards and Grants

Elimination of Chapter 203. The Quality Standards and Grants rule is no longer used since these types of grants to child care providers have not been issued since 2005 and the 2007-09 budget eliminated the funding and some statutory language but it appears to be an oversight that they left the rule language alone. This was prior to DCF being created as an agency.

6. DCF Chapter 250 - Licensing Rules for Family Child Care Centers

- a. Operational Requirements – Terms of License
 - i. Amends this portion of the rule to address only business insurance and drops the requirement that the provider must provide written information to parents on vehicle insurance. This provision is no longer needed due to 2009 Wisconsin Act 28 which requires all motorists have vehicle insurance.
- b. Operational Requirements – Children's Reports
 - i. Child care centers must record children's enrollment information and health history on two DCF forms, the Child Enrollment Form and the Health History and Emergency Care Plan Form. The rule references only one DCF form. The bill amends the rule to reference more than one form.
 - ii. Before a non-school age child is admitted to a child care center, the child must have a health exam. Chapter 250 requires the health exam to be on a DCF form that is then signed and dated by a physician, physician assistant or HealthCheck provider. The bill allows for an alternate way to document a child's health examination via an electronic printout.

7. DCF Chapter 251 - Licensing Rules for Group Child Care Centers

- a. There are a number of places in Chapter 251 where the incorrect rule is referenced. AB 385 corrects those erroneous references.
- b. Before a non-school age child is admitted to a child care center, the child must have a health exam. Chapter 251 requires the health exam to be on a DCF form that is then signed and dated by a physician, physician assistant or HealthCheck

provider. AB 385 allows for an alternate way to document a child's health examination via an electronic printout.

Thank you for the opportunity to testify in support of AB 385. We understand the "Red Tape Review" process is one that is ongoing and we look forward to continuing dialogue on how we can make improvements to our administrative rules. We'd be happy to answer any questions.