



# JERRY PETROWSKI

WISCONSIN STATE SENATOR

## *Senate Bill 304*

January 6, 2016

Madam Chairwoman and members of the committee, thank you for the opportunity to speak today on Senate Bill 304.

This bill was brought forward at the request of the Department of Children and Families as part of the Red Tape Review initiative. After careful analysis by the department, the bill will only eliminate rules DCF has deemed obsolete. The goal of this legislation is to update the statutes and eliminate redundancy in an effort to streamline operations in a number of areas, including certification and operation of child care centers and the maintaining of agency public assistance records.

This bill adjusts administrative code to reflect changes in Department practices, eliminating obsolete rules and making operation more efficient and easier to understand for child care operators and agencies. We are simply bringing state statute in line with current agency practices.

I would like to thank the committee members for the opportunity to speak on this topic and would be happy to answer any questions at this time.

STATE CAPITOL

P.O. BOX 7882 • MADISON, WISCONSIN 53707-7882 • SEN.PETROWSKI@LEGIS.WISCONSIN.GOV

TELEPHONE: (608) 266-2502



201 East Washington Avenue, Room G200  
P.O. Box 8916  
Madison, WI 53708-8916  
Telephone: 608-266-8684  
Fax: 608-261-6972

Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

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Date: January 6, 2016  
To: Members of the Senate Committee on Health and Human Services  
From: Sara Buschman, Assistant Deputy Secretary  
Re: Department Position on SB 304 – In support

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Senator Vukmir and members of the Senate Committee on Health and Human Services,

Thank you for the opportunity to testify on SB 304. My name is Sara Buschman and I am the Assistant Deputy Secretary for the Department of Children and Families.

I would like to start by thanking Senator Petrowski and Representative Heaton for authoring SB 304. This bill started last session during the discussions legislators had with state agencies to look at streamline administrative rules. SB 304 eliminates obsolete rule chapters, and streamlines and updates others to reflect changes in DCF's programs' structure and execution.

SB 304 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. SB 304 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. SB 304 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. SB 304 allows for an alternate way to document a child's health examination via an electronic printout.