

1989 Assembly Bill 191

Date of enactment: **December 5, 1989**
Date of publication*: **December 15, 1989**

1989 WISCONSIN ACT 81

AN ACT to repeal 49.455 (6) (b) 2; and to amend 49.455 (6) (b) 1 of the statutes, relating to: treatment of resources of certain individuals under the medical assistance program and making an appropriation.

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

SECTION 1. 49.455 (6) (b) 1. of the statutes, as created by 1989 Wisconsin Act 31, is amended to read:

49.455 (6) (b) 1. In 1989, ~~\$15,000~~ \$60,000; in a calendar year after 1989, ~~\$15,000~~ \$60,000 increased by the same percentage as the percentage increase in the consumer price index between September 1988 and September of the year before the calendar year involved.

SECTION 2. 49.455 (6) (b) 2. of the statutes, as created by 1989 Wisconsin Act 31, is repealed.

SECTION 3. Nonstatutory provisions. The department of health and social services shall develop a proposal that is consistent with 42 USC 1396p (b) for recovering the amount of medical assistance paid on behalf of an individual after the individual attains age 65 from the individual's estate or, if possible, from the estate of the individual's surviving spouse. In developing the plan, the department shall consider the state of Oregon's program for recovering medical assistance payments from

estates. The department of health and social services shall submit the proposal, a description of the projected costs of and recoveries under the proposal and any legislation necessary to implement the proposal to the cochairpersons of the joint committee on finance on or before March 31, 1990.

SECTION 4. Appropriation changes; medical assistance. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (1) (b) of the statutes, as affected by the acts of 1989, are increased by \$1,752,200 for fiscal year 1989-90 and by \$3,504,400 for fiscal year 1990-91 to fund increased costs of the medical assistance program resulting from decreasing the amount of resources considered to be available to an institutionalized spouse.

SECTION 5. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 49.455 (6) (b) 1. and 2. of the statutes takes effect on January 1, 1990.