

1993 Assembly Bill 1055

Date of enactment: April 28, 1994

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## 1993 WISCONSIN ACT 469

AN ACT to amend 20.435 (1) (b) and 20.435 (7) (bd); and to create 49.45 (6v) of the statutes, relating to: requiring the department of health and social services to submit an annual report on medical assistance nursing home bed utilization to the joint committee on finance, authorizing transfer of certain funds and making appropriations.

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

**SECTION 1.** 20.435 (1) (b) of the statutes, as affected by 1993 Wisconsin Act 16, section 391, is amended to read:

20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to provide medical assistance program benefits administered under s. 49.45 that are not also provided under par. (o) and to fund the pilot project under s. 46.27 (9) and (10). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. (7) (gb) funds in the amount of and for the purposes specified in s. 46.485 (2) (a). Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation and may transfer between fiscal years funds that it transfers from the appropriation under sub. (7) (gb) for the purposes specified in s. 46.485 (3). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation to the appropriation under sub. (7) (bd) funds in the amount of and for the purposes specified in s. 49.45 (6v).

**SECTION 2.** 20.435 (7) (bd) of the statutes is amended to read:

20.435 (7) (bd) *Community options program and long-term support pilot projects.* The amounts in the schedule for assessments, case planning, services and administration under s. 46.27 and for pilot projects for

home and community-based long-term support services under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this appropriation funds that it transfers from the appropriation under sub. (1) (b) for the purposes specified in s. 49.45 (6v).

**SECTION 3.** 49.45 (6v) of the statutes is created to read:

49.45 (6v) (a) "Facility" has the meaning given in sub. (6m) (a) 3.

(b) The department shall, by September 1 of each year, submit to the joint committee on finance a report that provides information on the utilization of beds by recipients of medical assistance in facilities for the immediate prior 2 consecutive fiscal years.

(c) If the report specified in par. (b) indicates that utilization of beds by recipients of medical assistance in facilities decreased during the most recently completed fiscal year from the utilization of beds by recipients of medical assistance in facilities in the next most recently completed fiscal year, the department shall multiply the difference between the number of days of care provided

– 2 –

## 1993 Assembly Bill 1055

in each of the immediate prior 2 consecutive fiscal years by the average daily costs of care in such facilities. The average daily costs of care shall be calculated by dividing the total medical assistance expenditures for care in facilities by the total number of days of care provided in facilities in that fiscal year.

(d) If par. (c) applies, the department's report under par. (b) shall include a proposal to transfer the amount calculated under par. (c) from the appropriation under s. 20.435 (1) (b) to the appropriation under s. 20.435 (7)

(bd) for the purpose of increasing funding for the community options program under s. 46.27. The secretary shall transfer the amount identified under the proposal if within 14 working days after the submission of the proposal the joint committee on finance does not schedule a meeting for the purpose of reviewing the proposed action.

(e) The joint committee on finance may approve or modify any proposal submitted by the department under this subsection.

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