

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/23/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters: **mdsida**

Subject: **Public Assistance - med. assist.**

Extra Copies: **DAK**

**Pre Topic:**

SDC:.....Walter - #3709,

**Topic:**

HIV MA waiver

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	yacketa 06/27/99	jgeller 06/27/99	hhagen 06/28/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/23/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters: *mgd*

Subject: Public Assistance - med. assist.

Extra Copies: DAK

**Pre Topic:**

SDC:.....Walter - #3709,

**Topic:**

HIV MA waiver

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	yacketa	<i>1 6/27 jcg</i>		<i>[Signature]</i> <i>6/29</i>			

FE Sent For:

<END>

yes

caucus number 3709

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: HIV Medical Assistance waiver. Eliminate section 1436 of the budget. Provide budget neutral expansion of the state ma program for low income people with HIV to access comprehensive health care.

other notes

drafting instructions: See above and attached

more instructions:

*Why that & not § 1434?*

caucus number 4201

duplicate flag:  
duplicate with:

Other reference numbers: Paper 509	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide \$250,000 PR in 99-00 and \$500,000 PR in 00-01 and 3.5 positions beginning 99-00 to support the collection, analysis and dissemination of physician encounter data. Not allow DOA to modify this proposal.

other notes

drafting instructions: See above and attached

more instructions:

Agency: Health and Family Services - Public Health

Number of Amendments: 10

+

**HIV/AIDS Programs (DHFS – Public Health)**

New Provision

CN 3769

HIV Medical Assistance Waiver – Access to Comprehensive Care

Eliminate Section 1436 of the Budget. This would provide budget-neutral expansion of the state MA program for low income people with HIV to access comprehensive health care.

No Fiscal Effect

(The Joint Finance Committee voted 16-0 to eliminate the financial cap on care. No action was taken on access to comprehensive care.)

This proposal would provide budget-neutral expansion of State MA program for low-income people with HIV to access comprehensive health care.

The State's Medical Assistance (MA) program and the access it provides to comprehensive health care services has been a powerful tool in the fight against AIDS. However, eligibility for the program requires people with HIV to be diagnosed with AIDS before they can access medical care that would be prevented by deterioration of their health status.

The proposed federal waiver will remedy this "catch 22" by providing early access to health care and medications for low income people with HIV through the State MA program.

For the FEDS to approve the waiver, the state must prove cost-neutrality (meaning over a five-year period the cost of care under the waiver will not exceed the cost of care absent the waiver). There is significant data nationally demonstrating the cost neutrality of this waiver and at least 4 states are seeking this type of waiver to extend MA eligibility to low income people with HIV.

Plc to Lane

Referred me to Cindy ~~in~~ <sup>En.</sup> Risser

Plc to Cindy

She will check ~~it~~

~~Handwritten scribble~~

# ARCW

## AIDS RESOURCE CENTER OF WISCONSIN

LEADING WISCONSIN'S RESPONSE TO A

### Memorandum

**TO:** Cindy Ashley, Sen. Fred Risser  
Linda Andreson, Sen. Bob Jauch  
John Anderson, Sen. Kim Plache

**FROM:** Michael J. Gifford  
ARCW Deputy Executive Director

**DATE:** June 16, 1999

**RE:** HIV Medical Assistance Waiver

*To: Mike Dsida*  
*From: Cindy Ashley*  
*- Hopefully this information will be helpful*

Upon review of budget action by the Joint Committee on Finance, there is a technical correction needed to the proposed HIV Medical Assistance Waiver.

The Committee voted 16-0 to authorize the Department of Health & Family Services (DHFS) to submit a budget neutral waiver to expand MA coverage to low income individuals with HIV. The intent was to provide access to MA benefits without restrictions through the deletion of Section 1436 of the Governor's proposed budget.

The amendment as drafted by LFB only deleted a portion of Section 1436, the \$500 annual cap on services. It did not site the MA benefits section of Wisconsin statute that would have provided access to comprehensive services.

ARCW would propose a technical amendment to the budget that would reflect the intent of the Joint Committee on Finance as follows:

**Section 1434. 49.46 (1p) of the statutes is created to read:**

**49.46 (1p) DEMONSTRATION PROJECT FOR PERSONS WITH HIV.** The department shall request a budget neutral section 1115 waiver from the secretary of the federal department of health and human services to allow the department to provide under this section coverage of services specified under s. 49.46(2) for persons who have HIV infection, as defined in s. 251.01 (2). If a waiver is granted and in effect, the department shall provide coverage for services specified under s. 49.46(2) for persons who qualify under the terms of the waiver.

**Section 1436. To be deleted.**

222 STATE STREET 53703 PO Box 728 53701-0728 MADISON WISCONSIN  
608-258-9103 800-518-9910 FAX 608-258-9136 www.arcw.org

APPLETON EAU CLAIRE GREEN BAY KENOSHA LA CROSSE MADISON MILWAUKEE SUPERIOR WAUSAU

1999 - 2000 Legislature

- 738 -

LRB--2079/1

ALL:all:all

## ASSEMBLY BILL 133

SECTION 1431

1 the expected value of the benefit, the covered individual or his or her spouse transfers  
2 assets for less than fair market value. A transfer to an annuity, or a transfer by  
3 promissory note or similar instrument, is not in excess of the expected value only if  
4 all of the following are true:

5 SECTION 1432. 49.453 (4) (a) 1. and 2. of the statutes are created to read:

6 49.453 (4) (a) 1. The periodic payments back to the transferor include principal  
7 and interest that, at the time that the transfer is made, is at least at the prime  
8 lending rate as reported by the federal reserve board in federal statistical release H.  
9 15.

10 2. The terms of the instrument provide for a payment schedule that includes  
11 equal periodic payments, except that payments may be unequal if the interest  
12 payments are tied to the prime lending rate, as reported by the federal reserve board  
13 in federal statistical release H. 15., and the inequality is caused exclusively by  
14 fluctuations in that rate.

15 SECTION 1433. 49.453 (4) (c) of the statutes is amended to read:

16 49.453 (4) (c) The department shall promulgate rules specifying the method to  
17 be used in calculating the expected value of the benefit, based on 26 CFR 1.72-1 to  
18 1.72-18, and specifying the criteria for adjusting the expected value of the benefit  
19 based on a medical condition diagnosed by a physician before the assets were  
20 transferred to the annuity, or transferred by promissory note or similar instrument.

21 SECTION 1434. 49.46 (1p) of the statutes is created to read:

22 → 49.46 (1p) DEMONSTRATION PROJECT FOR PERSONS WITH HIV. The department  
23 shall request a waiver from the secretary of the federal department of health and  
24 human services to allow the department to provide under this section coverage of  
25 services specified under sub. (2) (b) 17. for persons who have HIV infection, as defined

**ASSEMBLY BILL 133**

1 in s. 252.01 (2). If a waiver is granted and in effect, the department shall provide  
2 coverage for the services specified under sub. (2) (b) 17. for persons who qualify under  
3 the terms of the waiver.

4 **SECTION 1435.** 49.46 (2) (b) 8. of the statutes is amended to read:

5 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27  
6 (11), 46.275, 46.277 or 46.278 or under the family care benefit if a waiver is in effect  
7 under s. 46.281 (1) (c).

8 **SECTION 1436.** 49.46 (2) (b) 17. of the statutes is created to read:

9 → 49.46 (2) (b) 17. If a waiver under sub. (1p) is granted and in effect, clinical  
10 evaluation services, as defined by the department, for persons who qualify for  
11 coverage under sub. (1p), not to exceed \$500 per year per-person. }

12 **SECTION 1437.** 49.46 (2) (b) 18. of the statutes is created to read:

13 49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of  
14 no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision  
15 does not apply after July 1, 2003.

16 **SECTION 1438.** 49.47 (4) (as) 1. of the statutes is amended to read:

17 49.47 (4) (as) 1. The person would meet the financial and other eligibility  
18 requirements for home or community-based services under s. 46.27 (11) or 46.277  
19 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c) but for  
20 the fact that the person engages in substantial gainful activity under 42 USC 1382c  
21 (a) (3).

22 **SECTION 1439.** 49.47 (4) (as) 3. of the statutes is amended to read:

23 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11) or 46.277  
24 or under the family care benefit if a waiver is in effect under s. 46.281 (1) (c).

25 **SECTION 1440.** 49.472 of the statutes is created to read:



**State HIV/AIDS Budget Issues**

**Governor's Proposed Budget (biennial totals)**

HIV/AIDS Funding - Reduction in Proposed budget \$505,000

**Joint Finance Committee Proposed Budget (biennial totals)**

HIV/AIDS Funding - Reduction by JFC \$ 873,000

HIV/AIDS Funding - Restoration by JFC \$ 400,000

**TOTAL CUT IN HIV/AIDS FUNDING \$ 978,000**

HIV/AIDS Issue Senate Health JFC Action  
Committee Action Action to be Taken

Lifesaving HIV Prevention

\$500,000 in first-time increase in funding for HIV prevention services in over a decade even though HIV cases have increased by 8-fold  
No Action  
16-0 vote to increase funding by \$200,000  
\$300,000 increase in HIV prevention funding

Cost-savings Community Care

Increase funding for the Life Care Services Grant by 10% to address the 20% increase in caseload  
6-1 recommendation in favor of a 10% increase  
16-0 vote to increase funding by \$200,000, or 5%  
\$178,000 increase in funding for Life Care Services grant

HIV Medical Assistance Waiver

Provide budget-neutral expansion of State MA program for low income people with HIV to access comprehensive health care  
6-1 recommendation in favor MA expansion  
16-0 vote to eliminate financial cap on care.  
No action on access to comprehensive care  
Elimination of Section 1436 of the budget

Sarah

Please from Stan Kokis (sp?)

intent is to have full coverage under (a)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1044/1  
MGD&TAY:.....

*D-Note*

*jlg*

SDC:.....Walter - #3709, HIV MA waiver

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 722, line 25: delete "(b) 17." ✓

3 2. Page 723, line 2: delete "(b) 17." ✓

4 3. Page 723, line 13: delete lines 13 to 16. ✓

5 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb1044/1dn  
MGD&TAY:.....

jlq

June 27, 1999

Based on additional information provided by Cindy Ashley, this amendment requires DHFS to provide coverage for all services listed under s. 49.46 (2) (if the waiver is granted). In addition, medical assistance waivers must, under federal law, be budget neutral. Therefore, it is not necessary to specify that DHFS "request a budget neutral section 1115 waiver."

Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: Tina.Yacker@legis.state.wi.us

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867

---

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb1044/1dn  
MGD&TAY;jlg:ksh

June 27, 1999

Based on additional information provided by Cindy Ashley, this amendment requires DHFS to provide coverage for all services listed under s. 49.46 (2) (if the waiver is granted). In addition, medical assistance waivers must, under federal law, be budget neutral. Therefore, it is not necessary to specify that DHFS "request a budget neutral section 1115 waiver."

Tina A. Yacker  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: Tina.Yacker@legis.state.wi.us

Michael Dsida  
Legislative Attorney  
Phone: (608) 266-9867



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb1044/1  
MGD&TAY:jlg:ksh

SDC:.....Walter - #3709, HIV MA waiver

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 722, line 25: delete "(b) 17."

3 **2.** Page 723, line 2: delete "(b) 17."

4 **3.** Page 723, line 13: delete lines 13 to 16.

5 (END)