

1999 Assembly Bill 942

Date of enactment: **May 17, 2000**
Date of publication*: **June 1, 2000**

1999 WISCONSIN ACT 187

(Vetoed in Part)

AN ACT *to renumber and amend* 49.45 (6t); *to create* 49.45 (6t) (b) and 49.45 (24p) of the statutes; and *to affect* 1999 Wisconsin Act (Assembly Bill 456), section 4 (1); **relating to:** designating personal care shortage areas, reimbursement for losses in the provision of personal care services, providing a supplement for hourly medical assistance reimbursement rates for in-home personal care services workers, individual income tax modifications for medical insurance premiums, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority and making appropriations.

Vetoed
In Part

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

Vetoed
In Part

SECTION 1. 49.45 (6t) of the statutes, as affected by 1999 Wisconsin Act 9, is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) 2. (intro.), 3. and 4., as renumbered, are amended to read:

49.45 (6t) (a) 2. (intro.) Based on the amount estimated to be available under ~~par. (a) subd. 1.~~, develop a method, which need not be promulgated as rules under ch. 227, to distribute this allocation to the individual county departments under s. 46.215, 46.22, 46.23 or 51.42 or to local health departments that have incurred operating deficits that shall include all of the following:

3. Except as provided in ~~par. (d) subd. 4.~~, distribute the allocation under the distribution method that is developed.

4. If the federal department of health and human services approves for state expenditure in a fiscal year amounts under s. 20.435 (4) (o) that result in a lesser allocation amount than that allocated under this subsection or disallows use of the allocation of federal medicaid funds under ~~par. (e) subd. 3.~~, reduce allocations under this

subsection and distribute on a prorated basis, as determined by the department.

Vetoed
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SECTION 2. 49.45 (6t) (b) of the statutes is created to read:

49.45 (6t) (b) From the appropriation under s. 20.435 (4) (b), the department shall annually distribute moneys for reduction of operating deficits, as determined under criteria developed under par. (a) 2. a., incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (b) 6. j. The department shall distribute the moneys specified in this paragraph as a supplement of 15% to each distribution made under the method specified under par. (a) 2., for services provided under s. 49.46 (2) (b) 6. j. after December 31, 1999.

SECTION 3. 49.45 (24p) of the statutes is created to read:

49.45 (24p) PERSONAL CARE SHORTAGE AREAS. (a) The department shall designate as a personal care shortage area any area that meets criteria that the department specifies by rule. From the appropriation under s. 20.435

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* Section 991.11, WISCONSIN STATUTES 1997-98 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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(4) (b), the department shall reimburse providers of personal care services under s. 49.46 (2) (b) 6. j. in personal care shortage areas at 125% of the reimbursement for the provision of personal care services in areas of the state that are not designated as personal care shortage areas.

(b) The department shall by rule specify criteria for the designation of an area as a personal care shortage area, including a criterion concerning the maximum number of personal care workers per area population.

(c) If an area designated as a personal care shortage area under par. (a) no longer meets criteria specified under par. (b), the department shall dissolve the designation.

Vetoed
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SECTION 4. 1999 Wisconsin Act (Assembly Bill 456), section 4 (1) is amended to read:

[1999 Wisconsin Act (Assembly Bill 456)] Section 4 (1) This act first applies to taxable years beginning on January 1, ~~2000~~ 2001.

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SECTION 5. Nonstatutory provisions.

(1) PERSONAL CARE SHORTAGE AREAS; RULES.

(a) The department of health and family services shall submit in proposed form the rules required under section 49.45 (24p) (b) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of health and family services may promulgate rules required under section 49.45 (24p) (b) of the statutes, as created by this act, for the period

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before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

SECTION 6. Appropriation changes.

(1) PERSONAL CARE SHORTAGE AREAS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$-0- for fiscal year 1999-00 and the dollar amount is increased by \$-0- for fiscal year 2000-01 to provide increased medical assistance reimbursement for the provision of personal care services in personal care shortage areas.

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(2) SUPPLEMENT; IN-HOME PERSONAL CARE WORKERS. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (4) (b) of the statutes, as affected by the acts of 1999, the dollar amount is increased by \$9,600,000 for fiscal year 2000-01 to supplement, beginning July 1, 2000, the hourly medical assistance reimbursement rates for workers providing in-home personal care services by \$3.25.

SECTION 7. Effective date.

(1) This act takes effect on July 1, 2000.