

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 942**

March 30, 2000 – Offered by Senators MOEN, MOORE, RUDE, SCHULTZ, JAUCH,
ROESSLER, CLAUSING and DARLING.

1 **AN ACT** *to renumber and amend* 49.45 (6t); *to create* 49.45 (6t) (b) and 49.45
2 (24p) of the statutes; and *to affect* 1999 Wisconsin Act ... (Assembly Bill 456),
3 section 4 (1); **relating to:** designating personal care shortage areas,
4 reimbursement for losses in the provision of personal care services, providing
5 a supplement for hourly medical assistance reimbursement rates for in-home
6 personal care services workers, individual income tax modifications for medical
7 insurance premiums, providing an exemption from emergency rule procedures,
8 requiring the exercise of rule-making authority and making appropriations.

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

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

1 49.45 **(6t)** (a) 2. (intro.) Based on the amount estimated to be available under
2 ~~par. (a) subd. 1.~~, develop a method, which need not be promulgated as rules under
3 ch. 227, to distribute this allocation to the individual county departments under s.
4 46.215, 46.22, 46.23 or 51.42 or to local health departments that have incurred
5 operating deficits that shall include all of the following:

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

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

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

14 49.45 **(6t)** (b) From the appropriation under s. 20.435 (4) (b), the department
15 shall annually distribute moneys for reduction of operating deficits, as determined
16 under criteria developed under par. (a) 2. a., incurred by a county department under
17 s. 46.215, 46.22, 46.23 or 51.42 or by a local health department, as defined in s. 250.01
18 (4), for services provided under s. 49.46 (2) (b) 6. j. The department shall distribute
19 the moneys specified in this paragraph as a supplement of 15% to each distribution
20 made under the method specified under par. (a) 2., for services provided under s.
21 49.46 (2) (b) 6. j. after December 31, 1999.

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

23 49.45 **(24p)** **PERSONAL CARE SHORTAGE AREAS.** (a) The department shall
24 designate as a personal care shortage area any area that meets criteria that the
25 department specifies by rule. From the appropriation under s. 20.435 (4) (b), the

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

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

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

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

13 [1999 Wisconsin Act (Assembly Bill 456)] Section 4 (1) This act first applies
14 to taxable years beginning on January 1, ~~2000~~ 2001.

15 **SECTION 5. Nonstatutory provisions.**

16 (1) PERSONAL CARE SHORTAGE AREAS; RULES.

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

21 (b) Using the procedure under section 227.24 of the statutes, the department
22 of health and family services may promulgate rules required under section 49.45
23 (24p) (b) of the statutes, as created by this act, for the period before the effective date
24 of the rules submitted under paragraph (a), but not to exceed the period authorized
25 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24

1 (1) (a), (2) (b) and (3) of the statutes, the department is not required to provide
2 evidence that promulgating a rule under this paragraph as an emergency rule is
3 necessary for the preservation of the public peace, health, safety or welfare and is not
4 required to provide a finding of emergency for a rule promulgated under this
5 paragraph.

6 **SECTION 6. Appropriation changes.**

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

14 (2) SUPPLEMENT; IN-HOME PERSONAL CARE WORKERS. In the schedule under section
15 20.005 (3) of the statutes for the appropriation to the department of health and family
16 services under section 20.435 (4) (b) of the statutes, as affected by the acts of 1999,
17 the dollar amount is increased by \$9,600,000 for fiscal year 2000–01 to supplement,
18 beginning July 1, 2000, the hourly medical assistance reimbursement rates for
19 workers providing in-home personal care services by \$3.25.

20 **SECTION 7. Effective date.**

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

22 (END)