

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/08/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 266-2288**

By/Representing: **Fossum**

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

Drafter: **kenneda**

May Contact: **DHFS**

Alt. Drafters:

Subject: **Health - long-term care**

Extra Copies: **ISR**

**Pre Topic:**

DOA:.....Fossum -

**Topic:**

Family care estate recovery appropriations

**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>
/?	kenneda 10/03/2000	hhagen 10/03/2000		_____			S&L
/1			pgreensl 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
/2	kenneda 02/07/2001	jdye 02/07/2001	martykr 02/07/2001	_____	lrb_docadmin 02/07/2001		S&L
/3	kenneda 02/07/2001	csicilia 02/07/2001	rschluet 02/07/2001	_____	lrb_docadmin 02/08/2001		

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/1			pgreensl 10/04/2000		lrb docadmin 10/04/2000		S&L
/2	kenneda 02/07/2001	jdycer 02/07/2001	martykr 02/07/2001		lrb docadmin 02/07/2001		

FE Sent For:

/3 cjs 2/7  
01

*[Handwritten signatures and initials]*  
2-7-01 <END>

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/?	kenneda 10/03/2000	hhagen 10/03/2000					S&L
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			10/04/2000		10/04/2000		

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OMK  
2/7  
12

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1/?	kenneda	11 hmb 10/3/00	143 ps	10/3 ps KF			

FE Sent For:

<END>

# DHFS

Department of Health and Family Services  
1999-2001 Biennial Budget Statutory Language Request  
August 22, 2000

## Title: Family Care Estate Recovery Appropriations

### Current Language

20.435 (4) (im) *Medical assistance; recovery of correct payments.* All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 867.035 for payments to counties and tribal governing bodies under s. 49.496 (4), payment of claims under s. 867.035 (3), payments to the federal government for its share of medical assistance benefits recovered and for the state share of medical assistance benefits under subch. IV of ch. 49 as provided in ss. 49.496 (5) and 867.035 (4).

20.435 (4) (in) *Community options program; costs of care recovery administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035, the amounts in the schedule for administration of the recovery of costs of the care.

20.435 (7) (im) *Community options program; family care benefit; recovery of costs of care.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035 and rules promulgated under s. 46.286 (7), all moneys not appropriated under sub. (4) (in), for payments to county departments and aging units under s. 46.27 (7g) (d), payments to care management organizations for provision of the family care benefit under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for long-term community support services funded under s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).   
*for enrollees whose*  
*eligible*  
*for*  
*an*

### Proposed Change

20.435 (4) (im) is amended to read:

(im) *Medical assistance; recovery of correct payments.* All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7), for payments to counties and tribal governing bodies under s. 49.496 (4), payment of claims under s. 867.035 (3), payments to the federal government for its share of medical assistance benefits recovered and for the state share of medical assistance benefits under s. 46.284 (5) and under subch. IV of ch. 49 as provided in ss. 49.496 (5) and 867.035 (4).   
*for*  
*for*  
*specified*

*and the st share of ma benefits*  
*provided under s. 46.284 (5)*

20.435 (4) (in) is amended to read:

(in) *Community options program; family care benefit; costs of care recovery administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035 and rules promulgated under s. 46.286 (7) for ~~non-Medicaid~~ enrollees the amounts in the schedule for administration of the recovery of costs of the care.

who are  
ineligible for  
m a

### Effect of the Change

Allows funds collected under estate recovery from Family Care Medicaid recipients to be deposited in the proper Medicaid appropriations for use in paying for additional Family Care benefits, the cost of administering estate recovery of those benefits, and the federal share of recovered benefits to HCFA. (Act 9 changes to 20.435 (7) (im) had already made deposit of funds collected under estate recovery from Family Care non-Medicaid recipients into an appropriation possible.)

### Rationale for the Change

Requested by DHCF to clarify authority for depositing and using funds recovered from Family Care recipients.

**Desired Effective Date:** Upon enactment  
**Agency:** DHFS  
**Agency Contact:** Charles Jones  
**Phone:** 266-0991



SOON - In edit 10/3

State of Wisconsin  
2001 - 2002 LEGISLATURE

D-NOTE

LRB-02012  
DAK  
cm II

DOA:.....Fossum – Family care estate recovery appropriations  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Ab/Not Gen.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

✓ HEALTH AND HUMAN SERVICES

✓ LONG-TERM CARE; FAMILY CARE

\* Under current law, under family care, the family care benefit is funded from a number of sources, including, for those who are eligible for medical assistance (MA), federal and state medical assistance (MA) moneys. Moneys that are received from recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") are appropriated, in part, as payments to care management organizations to provide the family care benefit. *delete space*

This bill provides that moneys that are received as estate recovery from family care enrollees who are ineligible for MA are appropriated to pay for administering the estate recovery and as payments to care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 20.435 (4) (im) of the statutes is amended to read:

2 20.435 (4) (im) *Medical assistance; recovery of correct payments.* All moneys  
3 received from the recovery of correct medical assistance payments under ss. 49.496  
4 and 867.035, and rules promulgated under s. 46.286 (7), for payments to counties and  
5 tribal governing bodies under s. 49.496 (4), for payment of claims under s. 867.035  
6 (3), for payments to the federal government for its share of medical assistance  
7 benefits recovered and for the state share of medical assistance benefits under  
8 subch. IV of ch. 49 as provided specified in ss. 49.496 (5) and 867.035 (4), and for the  
9 state share of medical assistance benefits provided under s. 46.284 (5).

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

10 SECTION 2. 20.435 (4) (in) of the statutes is amended to read:

11 20.435 (4) (in) *Community options program; family care benefit; costs of care*  
12 *recovery administration.* From the moneys received from the recovery of costs of care  
13 under ss. 46.27 (7g) and 867.035, and under rules promulgated under s. 46.286 (7) for  
14 enrollees who are ineligible for medical assistance, the amounts in the schedule for  
15 administration of the recovery of costs of the care.

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 SECTION 3. 20.435 (7) (im) of the statutes is amended to read:

17 20.435 (7) (im) *Community options program; family care benefit; recovery of*  
18 *costs.* From the moneys received from the recovery of costs of care under ss. 46.27  
19 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who

1 are ineligible for medical assistance, all moneys not appropriated under sub. (4) (in),  
2 for payments to county departments and aging units under s. 46.27 (7g) (d),  
3 payments to care management organizations for provision of the family care benefit  
4 under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for  
5 long-term community support services funded under s. 46.27 (7) as provided in ss.  
6 46.27 (7g) (e) and 867.035 (4m).

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53, 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

7 **SECTION 4. 46.284 (5) (a) of the statutes is amended to read:**

8 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (im),  
9 and (o) and (7) (b) and (bd), the department shall provide funding on a capitated  
10 payment basis for the provision of services under this section. Notwithstanding s.  
11 46.036 (3) and (5m), a care management organization that is under contract with the  
12 department may expend the funds, consistent with this section, including providing  
13 payment, on a capitated basis, to providers of services under the family care benefit.

14 **History:** 1999 a. 9.

(END)

D-NOTE

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

LRB-0201/?dn

DAK

hnh

d

CHH

*Deadline*

To Gretchen Fossum and Charles Jones:

Please review this draft carefully; the language differs from that proposed.

Debra A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debra.kennedy@legis.state.wi.us](mailto:debra.kennedy@legis.state.wi.us)

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

LRB-0201/1dn  
DAK:hmh&cmh:pg

October 4, 2000

To Gretchen Fossum and Charles Jones:

Please review this draft carefully; the language differs from that proposed.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

**Kennedy, Debora**

**From:** Jones, Charles  
**Sent:** Monday, October 09, 2000 1:31 PM  
**To:** Kennedy, Debora  
**Cc:** Bailey, Kathleen  
**Subject:** Re: Fwd: FW: LRB Draft: 01-0201/1 Family care estate recovery appropriations

Hi Debora, I know it's not standard practice, but because it's beyond my ability to translate I wanted to share the concerns expressed by staff in the DHFS unit that does estate recovery regarding the language you drafted for appropriations related to estate recovery in Family Care. Please let both Kathy Bailey and me know what you think. Thanks.

Charles Jones, OSF / CDSD  
Phone: (608) 266-0991  
FAX: (608) 266-5629  
e-mail: jonescm@dhfs.state.wi.us

-----Original Message-----  
Date: 10/09/2000 09:41 am -0500 (Monday)  
From: Kathleen Bailey  
To: Jones, Charles  
CC: Dybevik, Kenneth; Wichmann, Peggy  
Subject: Re: Fwd: FW: LRB Draft: 01-0201/1 Family care estate recovery appropriations

Hi Charlie -

Sorry for not getting back to you sooner. Peggy was out unexpectedly most of last week.

Here are the comments:

I'm unsure why 46.284(5)(a) is amended to include 20.435(4)(im). Having 20.435(4)(im) included under 46.284(5)(a) is inconsistent with the way the rest of the statutes address MA spending and ERP. No where else is 20.435(4)(im) used as a "spend-out" except for 49.496. Chapter 49 never uses (4)(im), only 20.435(4)(b) and (o).

Conversely, if 20.435(4)(im) is left in 46.284(5)(a), should 46.284 also be amended to include 20.435(7)(im) for consistency? Yes

Thanks and let me know. . . . . I'm at 1-7831.

>>> Charles Jones 10/4/00 8:14:08 AM >>>  
Another FC statutory language draft from LRB that has been forwarded by DOA. I have reviewed it and it appears to me to be consistent with our request. If you have concerns, please get them to me by October 5, so that I can draft a coordinated response by 10/6. Thanks.

Charles Jones, OSF / CDSD  
Phone: (608) 266-0991  
FAX: (608) 266-5629  
e-mail: jonescm@dhfs.state.wi.us

*It's because the language DHFS proposed for 20.435(4)(im) provided for payment under 46.284(5)*



TODAY  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0201/2

DAK:hmh&mt

D-NOTE

JLD

DOA:.....Fossum – Family care estate recovery appropriations

FOR 2001-03 BUDGET – NOT READY FOR INTRODUCTION

1 AN ACT <sup>do not gen</sup> ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**LONG-TERM CARE; FAMILY CARE**

Under current law, under family care, the family care benefit is funded from a number of sources, including, for those who are eligible for medical assistance (MA), federal and state MA moneys. Moneys that are received from recovery of family care correctly paid benefit payments (commonly referred to as “estate recovery”) are appropriated, in part, as payments to care management organizations to provide the family care benefit.

This bill provides that moneys that are received as estate recovery from family care enrollees who are ineligible for MA are appropriated to pay for administering the estate recovery and as payments to care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (4) (im) of the statutes is amended to read:

2           20.435 (4) (im) *Medical assistance; recovery of correct payments.* All moneys  
3 received from the recovery of correct medical assistance payments under ss. 49.496  
4 and 867.035 and rules promulgated under s. 46.286 (7), for payments to counties and  
5 tribal governing bodies under s. 49.496 (4), for payment of claims under s. 867.035  
6 (3), for payments to the federal government for its share of medical assistance  
7 benefits recovered and, for the state share of medical assistance benefits under  
8 subch. IV of ch. 49 as provided specified in ss. 49.496 (5) and 867.035 (4), and for the  
9 state share of medical assistance benefits provided under s. 46.284 (5).

10           **SECTION 2.** 20.435 (4) (in) of the statutes is amended to read:

11           20.435 (4) (in) *Community options program; family care benefit; costs of care*  
12 *recovery administration.* From the moneys received from the recovery of costs of care  
13 under ss. 46.27 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for  
14 enrollees who are ineligible for medical assistance, the amounts in the schedule for  
15 administration of the recovery of costs of the care.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16           **SECTION 3.** 20.435 (7) (im) of the statutes is amended to read:

17           20.435 (7) (im) *Community options program; family care benefit; recovery of*  
18 *costs.* From the moneys received from the recovery of costs of care under ss. 46.27  
19 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who  
20 are ineligible for medical assistance, all moneys not appropriated under sub. (4) (in),  
21 for payments to county departments and aging units under s. 46.27 (7g) (d),  
22 payments to care management organizations for provision of the family care benefit  
23 under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for

1 long-term community support services funded under s. 46.27 (7) as provided in ss.  
2 46.27 (7g) (e) and 867.035 (4m).

3 SECTION 4. 46.284 (5) (a) of the statutes is amended to read:

4 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), (im),

5 and (o) and (7) (b) and (bd), the department shall provide funding on a capitated  
6 payment basis for the provision of services under this section. Notwithstanding s.  
7 46.036 (3) and (5m), a care management organization that is under contract with the  
8 department may expend the funds, consistent with this section, including providing  
9 payment, on a capitated basis, to providers of services under the family care benefit.

10

, and (w)

(END)

D-NOTE

INSERT 3-9

**2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0201/2ins  
DAK:hmh&emh:pg

**INSERT 3-9**

\*\*\*NOTE: This is reconciled s. 46.284 (5) (a). ✓ This SECTION has been affected by drafts with the following LRB numbers: LRB-0201/1 and LRB-1627/3.

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

LRB-0201/2dn  
DAK:hmb&mm:pg

JLD

To Gretchen Fossum:

This draft changes the treatment of s. 46.284 (5) (a). The draft reconciles LRB-0201/1 and LRB-1627/3. Both LRB-0201 and LRB-1627 should continue to appear in the compiled bill.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

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

LRB-0201/2dn  
DAK:jld:cmh

February 7, 2001

To Gretchen Fossum:

This draft changes the treatment of s. 46.284 (5) (a). The draft reconciles LRB-0201/1 and LRB-1627/3. Both LRB-0201 and LRB-1627 should continue to appear in the compiled bill.

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~~From Gretchen Fossum~~ From Gretchen Fossum

- 0201

Change approp heading -20.435-(4)(in)



TODAY  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0201/3

DAK:hmh&jld:cmh

D-NOTE

dcjs

DOA:.....Fossum – Family care estate recovery appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not GSN

1 AN ACT...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**LONG-TERM CARE; FAMILY CARE**

Under current law, under family care, the family care benefit is funded from a number of sources, including, for those who are eligible for medical assistance (MA), federal and state MA moneys. Moneys that are received from recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") are appropriated, in part, as payments to care management organizations to provide the family care benefit.

This bill provides that moneys that are received as estate recovery from family care enrollees who are ineligible for MA are appropriated to pay for administering the estate recovery and as payments to care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (4) (im) of the statutes is amended to read:

2           20.435 (4) (im) *Medical assistance; recovery of correct payments.* All moneys  
3 received from the recovery of correct medical assistance payments under ss. 49.496  
4 and 867.035 and rules promulgated under s. 46.286 (7), for payments to counties and  
5 tribal governing bodies under s. 49.496 (4), for payment of claims under s. 867.035  
6 (3), for payments to the federal government for its share of medical assistance  
7 benefits recovered and, for the state share of medical assistance benefits under  
8 subch. IV of ch. 49 as provided specified in ss. 49.496 (5) and 867.035 (4), and for the  
9 state share of medical assistance benefits provided under s. 46.284 (5).

10           **SECTION 2.** 20.435 (4) (in) of the statutes is amended to read:

11           20.435 (4) (in) *Community options program; family care ~~benefit~~ <sup>recovery</sup>; ~~costs of care~~*  
12 *~~recovery~~ administration.* From the moneys received from the recovery of costs of care  
13 under ss. 46.27 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for  
14 enrollees who are ineligible for medical assistance, the amounts in the schedule for  
15 administration of the recovery of costs of the care.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16           **SECTION 3.** 20.435 (7) (im) of the statutes is amended to read:

17           20.435 (7) (im) *Community options program; family care benefit; recovery of*  
18 *costs.* From the moneys received from the recovery of costs of care under ss. 46.27  
19 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who  
20 are ineligibile for medical assistance, all moneys not appropriated under sub. (4) (in),  
21 for payments to county departments and aging units under s. 46.27 (7g) (d),  
22 payments to care management organizations for provision of the family care benefit  
23 under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for

1 long-term community support services funded under s. 46.27 (7) as provided in ss.  
2 46.27 (7g) (e) and 867.035 (4m).

3 SECTION 4. 46.284 (5) (a) of the statutes is amended to read:

4 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and  
5 (im), (o), and (w) and (7) (b) and (bd), the department shall provide funding on a  
6 capitated payment basis for the provision of services under this section.  
7 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is  
8 under contract with the department may expend the funds, consistent with this  
9 section, including providing payment, on a capitated basis, to providers of services  
10 under the family care benefit.

\*\*\*\*Note: This is reconciled s. 46.284 (5) (a). This SECTION has been affected by  
drafts with the following LRB numbers: LRB-0201/1 and LRB-1627/3.

11

(END)

D-NOTE

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

LRB-0201/1dn  
DAK:jld:cmh

3

February 7, 2001

+cjs

To Gretchen Fossum:

- ¶ (1.) This draft changes the treatment of s. 46.284 (5) (a). The draft reconciles LRB-0201/1 and LRB-1627/3. Both LRB-0201 and LRB-1627 should continue to appear in the compiled bill.
- ¶ 2. This redraft shortens the title for s. 20.435(4)(in).

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

LRB-0201/3dn  
DAK:jld&cjs:rs

February 7, 2001

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State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0201/3

DAK:hmh&jld&cjs:rs

DOA:.....Fossum – Family care estate recovery appropriations

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

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14 (7) for enrollees who are ineligible for medical assistance, the amounts in the  
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(END)