

**2001 DRAFTING REQUEST**

**Bill**

Received: **01/08/2001**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Fossum**

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

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Mental Health - AODA  
Mental Health - miscellaneous  
Health - miscellaneous**

Extra Copies: **DAK**

**Pre Topic:**

DOA:.....Fossum -

**Topic:**

AODA and mental health services for youths leaving out-of-home care

**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>
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13 2/16 Wlj  
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12 WLJ 1/12  
Jo 1/12  
Jo/KM  
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FE Sent For:

<END>

**Sager-Rosenthal, Ivy**

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**From:** Fossum, Gretchen  
**Sent:** Monday, January 08, 2001 11:04 AM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** [REDACTED]

[REDACTED] Rather, [REDACTED] include a provision under s. 51.42 (3) that if state, federal and county funding for mental health and alcohol and other drug abuse (AODA) treatment services are insufficient to meet the needs of all eligible individuals that first priority for mental health services be given to youth leaving out-of-home care and that second priority for AODA services be given to youth leaving out-of-home care. Retain the provision under s. 51.42(3)4m. that gives first priority to pregant women for AODA services.

Anne Miller sent you an E-Mail that the [REDACTED] draft was to include individuals in any type of out-of-home care authorized under 42 USC 1396a (a) (10) (A) (ii) and 1396d (w) (1). The requested provision would apply to theser individuals.

If you have any questions on this request, please contact me at 266-2288.

Gretchen A. Fossum  
State Budget Office  
January 8, 2001

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# H.R.3443

## Foster Care Independence Act of 1999 (Considered and Passed by the House)

### Subtitle C--Medicaid Amendments

#### SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE .

(a) IN GENERAL- Subject to subsection (c), title XIX of the Social Security Act is amended--

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))--

(A) by striking `or' at the end of subclause (XIII);

(B) by adding `or' at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

(XV) who are independent foster care adolescents (as defined in section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

(v)(1) For purposes of this title, the term `independent foster care adolescent' means an individual--

(A) who is under 21 years of age;

(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

(2) The levels established by a State under paragraph (1)(C) may not be less than the

*AZ USC 1396A  
(10)(A)(ii)  
(vii)*

*42 USC  
1396d(w)(1)*

corresponding levels applied by the State under section 1931(b).

42 USC § 612

(3) A State may limit the eligibility of independent foster care adolescents under section 1902 (a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.

42 USC - foster care - ARDC  
48, 475 - adoption asst. w/ spec needs

42 USC § 617

(b) EFFECTIVE DATE- The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT- If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)--

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act ;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

(4) the subclause (XV) added by subsection (a)(1)(C) of this section--

(A) is redesignated as subclause (XVII); and

(B) is amended by striking 'section 1905(v)(1)' and inserting 'section 1905(w)(1)'; and

(5) the subsection (v) added by subsection (a)(2) of this section--

(A) is redesignated as subsection (w); and

(B) is amended by striking '1902(a)(10)(A)(ii)(XV)' and inserting '1902(a)(10)(A)(ii)(XVII)'

Subtitle D--Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS- Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

(j) SUPPLEMENTAL GRANTS-

(1) IN GENERAL- Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1884/1

ISR: /.....

Wlj

DOA:.....Fossum – AODA and mental health services for youths leaving out-of-home care

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

FOSSUM      NOTES

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES ✓**

**OTHER HEALTH AND HUMAN SERVICES ✓**

Under current law, county departments of community programs (county departments) are required, within the limits of federal, state, and county funds, to provide to individuals who suffer from mental disabilities, including mental illness, developmental disabilities, alcoholism, or drug abuse, a variety of health care services related to mental illness, developmental disabilities, alcoholism, and drug abuse, including diagnostic and evaluation services, inpatient and outpatient care and treatment services, and supportive transitional services. Under current law, if federal, state, and county funds for the alcohol and other drug abuse services are not sufficient to meet the needs of all individuals who are eligible for the services, the county departments must give first priority for the services to pregnant women who suffer from alcoholism or alcohol abuse or who are drug dependent.

Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to individuals who are at least 18 years of age but under 21 years of age, who, on their 18th birthday were in foster care, and who suffer from alcoholism or alcohol abuse or who are drug dependent. Also, under the bill, if state, federal, and county funds for mental health services are insufficient to

© The health care services provided include

meet the needs of all individuals eligible for mental health services, this bill requires the county departments to give first priority for the services to individuals who <sup>any</sup> are <sup>is</sup> at least 18 years of age but under 21 years of age, who, on <sup>his or her</sup> their 18th birthday <sup>was</sup> were in foster care, and who suffer from mental illness.

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. 51.42 (3) (ar) 4m. <sup>√</sup> of the statutes is amended to read:

2 51.42 (3) (ar) 4m. If state, federal and county funding for alcohol and other drug  
3 abuse treatment services provided under subd. 4. are insufficient to meet the needs  
4 of all eligible individuals, ensure that first priority for services is given to <sup>any</sup> pregnant  
5 <sup>woman</sup> women who <sup>suffers</sup> suffer from alcoholism or alcohol abuse or <sup>is</sup> are drug dependent and that  
6 second priority be given to individuals who <sup>are</sup> <sup>is</sup> are at least 18 years of age but under 21  
7 years of age, who, on <sup>his or her</sup> their 18th birthday, <sup>was</sup> were in foster care, and who suffer <sup>s</sup> from  
8 alcoholism or alcohol abuse or <sup>is</sup> are drug dependent.

History: 1971 c. 125; 1973 c. 90, 198, 333, 336; 1975 c. 39, 198, 199, 224, 422; 1975 c. 428 s. 16; 1975 c. 430 ss. 24 to 31, 80; 1977 c. 26 ss. 37, 38, 75; 1977 c. 29 ss. 612 to 623p, 1656 (18); 1977 c. 193; 1977 c. 203 s. 106; 1977 c. 272; 1977 c. 354 s. 101; 1977 c. 418, 428, 447; 1979 c. 34, 117, 177, 221, 330, 355; 1981 c. 20 ss. 923 to 942, 2202 (20) (d), (n), (q); 1981 c. 93 ss. 105 to 122, 186; 1981 c. 329; 1983 a. 27 ss. 1106 to 1112, 2202 (20); 1983 a. 189 ss. 44, 329 (5); 1983 a. 192, 239, 365, 375, 524; 1985 a. 29, 120, 176; 1987 a. 3, 27, 199, 339, 366; 1989 a. 31, 122; 1991 a. 39, 274, 315; 1993 a. 16, 437, 445; 1995 a. 27 ss. 3260 to 3262, 9126 (19), 9145 (1); 1995 a. 64, 77, 92, 201, 224, 276, 352, 417; 1997 a. 27, 164, 237, 268; 1999 a. 9.

9 SECTION 2. 51.42 (3) (ar) 4p. <sup>√</sup> of the statutes is created to read:

10 51.42 (3) (ar) 4p. If state, federal and county funding for mental health services  
11 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,  
12 ensure that first priority for services is given to <sup>any</sup> individuals who <sup>is</sup> are at least 18 years  
13 of age but under 21 years of age, who, on <sup>his or her</sup> their 18th birthday, <sup>was</sup> were in foster care, and  
14 who suffer <sup>s</sup> from mental illness.

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

LRB-1884/1dn

ISR: /.....

Wly

Gretchen Fossum:

Do you want to define "foster care" in this bill?

Please review this bill carefully to make sure it achieves your intent. If you have any questions, do not hesitate to contact me.

Ivy G. Sager-Rosenthal  
Legislative Attorney  
Phone: (608) 261-4455  
E-mail: [ivy.sager-rosenthal@legis.state.wi.us](mailto:ivy.sager-rosenthal@legis.state.wi.us)

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

LRB-1884/1dn  
ISR:wlj:km

January 11, 2001

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\* Gretchen Fossum 1/11/01

- use def. from federal law



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1884/1

ISR:wlj:ktw

2  
RMC

DOA:.....Fossum - AODA and mental health services for youths leaving out-of-home care

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

soon  
Thanks

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Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to ~~any~~ individual who is at least 18 years of age but under 21 years of age, who, on his or her 18th birthday was in foster care, and who suffers from alcoholism or alcohol abuse or who is drug dependent. Also, under

independent foster care adolescents <sup>or</sup> independent foster care adolescent is defined in the bill as an





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1884/2

ISR:wjh

3  
RMITZ

DOA:.....Fossum – AODA and mental health services for youths leaving out-of-home care

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to independent foster care adolescents. An independent foster care adolescent is defined in the bill as an individual who is at least 18 years of age but under 21 years of age, who, on his or her 18th birthday was

and



DNOTS

⌘ This "13" version makes a technical change to  
the analysis.

- elSR

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

LRB-1884/3dn  
ISR:wlj:jf

February 16, 2001

This "/3" version makes a technical change to the analysis.

Ivy G. Sager-Rosenthal  
Legislative Attorney  
Phone: (608) 261-4455  
E-mail: [ivy.sager-rosenthal@legis.state.wi.us](mailto:ivy.sager-rosenthal@legis.state.wi.us)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1884/3  
ISR:wlj/jf

DOA:.....Fossum - AODA and mental health services for youths leaving  
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