



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/29/2006 (Per: DAK)



Appendix A

 The 2005 drafting file for LRB 05s0657/2

has been copied/added to the 2005 drafting file for

LRB 05s0665

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB1110)

Received: 03/23/2006
Wanted: As time permits
For: Legislative Fiscal Bureau 266-3847
This file may be shown to any legislator: NO
May Contact:
Subject: Health - long-term care

Received By: dkennedy
Identical to LRB:
By/Representing: Rebecca Hotynski
Drafter: dkennedy
Addl. Drafters:
Extra Copies:

Submit via email: YES

Requester's email: rebecca.hotynski@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requirements for submission of proposed contract to Jt. Finance; expansion cap; evaluations

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>
/?	dkennedy 03/28/2006	lkunkel 03/28/2006		_____			S&L
/1			rschluet 03/28/2006	_____	lnorthro 03/28/2006	lnorthro 03/28/2006	
/2	dkennedy 03/28/2006	lkunkel 03/28/2006	jfrantze 03/29/2006	_____	mbarman 03/29/2006	mbarman 03/29/2006	

1/3 lmk 3/29
J 3/30
J/ch 3/30

LRBs0657

03/29/2006 08:48:52 AM

Page 2

FE Sent For:

<END>

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/?	dkennedy 03/28/2006	lkunkel 03/28/2006		_____			S&L
/1			rschlue 03/28/2006	_____	lnorthro 03/28/2006	lnorthro 03/28/2006	

FE Sent For:

J. Bell
3/29
<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB1110)

Received: 03/23/2006

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 266-3847

By/Representing: Rebecca Hotynski

This file may be shown to any legislator: NO

Drafter: dkennedy

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Addl. Drafters:

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

Extra Copies:

Submit via email: YES

Requester's email: **rebecca.hotynski@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

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Topic:

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1/?

dkennedy

1/mk 3/28

[Handwritten signatures and initials over the Drafting History table]
386

FE Sent For:

<END>



Kennedy, Debora

From: Hotynski, Rebecca
Sent: Thursday, March 23, 2006 2:04 PM
To: Kennedy, Debora
Subject: Amendment request

By 3/30

Hi Debora –

As I said in the voicemail, we'd like to request an amendment to AB 1110 that requires DHFS, as part of its submission of proposals under the passive review requirement to expand Family Care, to include estimates of the fiscal impact of each proposed addition, including start up, transitional, and ongoing operational costs, demonstrating that the addition of each new county would be cost-neutral. Please specify that that DHFS may not submit proposals to JFC under the passive review requirement without including this information.

Thanks very much,
Rebecca

Rebecca J. Hotynski
Fiscal Analyst
Legislative Fiscal Bureau
(608) 266-3847

3/23/06 From Charlie Morgan + Rebecca Hotynski, for LFB sub, 1
to AB1110

✓ ① Maintain absolute cap on pop that can be covered by FC - 50%
After 50%, must be approved by legis.

✓ ② Matt Kusso e-mail 3/23

✓ ③ Rebecca Hotynski e-mail 3/23

Morgan, Charlie

From: Kussow, Matt ✓
Sent: Thursday, March 23, 2006 2:32 PM
To: Morgan, Charlie
Subject: Family Care amendment.doc

Amend ss. 46.281 (1) (g) (3) to read

Conduct ongoing evaluations of the long term care system specified in ss. 46.2805 to 46.2895 as to client access to services, client choice of living and service options, quality of care, and cost-effectiveness. Evaluation of the availability of client choice shall include the opportunity for a client to arrange for, manage and monitor his or her family care benefit directly as specified in s. 46.284 (4) (e).

the availability of

evaluation of

①

②

TODAY

2005 - 2006 LEGISLATURE

D-NOTE

50657/1
LRB 4821/2
DAK: [initials]

[Handwritten initials]

2005 ASSEMBLY BILL 1110

March 9, 2006 - Introduced by Representatives KAUFERT, GIELOW, KESTELL, SHILLING, KRAWCZYK, UNDERHEIM, LEMAHIEU, MURSAU, HONADEL, AINSWORTH, OWENS, JESKEWITZ, HAHN, MCCORMICK, KREUSER, VREWINK, SHERIDAN, SEIDEL, LEHMAN, POPE-ROBERTS, MOLEPSKE, MUSSER and VAN ROY, cosponsored by Senators ROESSLER, DARLING, A. LASEE, LASSA and WIRCH. Referred to Joint Committee on Finance.

✓+

REGENERATE

1 AN ACT to repeal 46.281 (1) (d) (intro.), 46.281 (1) (d) 1. and 46.281 (1) (e) (intro.);
2 to renumber and amend 46.281 (1) (d) 2.; and to amend 46.27 (4) (c) 8., 46.27
3 (5) (am), 46.27 (6) (a) 3., 46.27 (6g) (intro.), 46.27 (9) (c), 46.281 (1) (e) 1., 46.281
4 (1) (e) 2., 46.282 (2) (a) (intro.), 46.283 (2) (b) (intro.), 46.285 (1) (a) and 49.45
5 (3) (ag) of the statutes; relating to: contracts with entities to operate resource
6 centers and care management organizations under the Family Care Program.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health and Family Services (DHFS) administers Family Care, a program that provides in certain areas a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age, meet functional and financial eligibility requirements, and have a physical disability, a developmental disability, or infirmities of aging to qualify for the family care benefit.

Under current law, before July 1, 2001, DHFS was required to establish in certain geographical areas pilot projects under which DHFS contracted with counties, family care districts, federally recognized American Indian tribes or bands, or the Great Lakes Inter-Tribal Council, Inc., to operate resource centers (organizations that provide information and referral services and determine financial and functional eligibility of prospective enrollees) or care management organizations (organizations that assess enrollees' service needs, develop comprehensive care plans for each enrollee, and provide or contract for provision of

and evaluations of the Family Care Program

ASSEMBLY BILL 1110

but less than 51 percent

in the aggregate

with those entities

necessary services), or both. After June 30, 2001, if the local long-term care council for an applicable area had developed a required initial plan, and if authorized and funded by the legislature, DHFS was required to contract with one or more entities in addition to those under pilot projects, for services of a resource center or care management organization; however, as affected by 2005 Wisconsin Act 25 (the biennial budget act), any prospective additional contract with an entity to operate a resource center requires advance approval by the Joint Committee on Finance, on a passive review basis.

Currently DHFS must conduct on-going evaluations of Family Care

JCF

This bill eliminates the requirements for establishing Family Care pilot projects before July 1, 2001, and integrates requirements for those pilot projects with current requirements for contracts with resource centers and care management organizations. The bill specifies that DHFS may contract with a county, a family care district, a tribe or band, the Great Lakes Inter-Tribal Council, Inc., or two or more of these entities to administer the family care benefit as care management organizations or resource centers. Lastly, the bill authorizes DHFS to contract to administer care management organizations in geographic areas in which more than 29 percent of the population that is eligible for the family care benefit reside, if such a proposed contract receives advance approval from the Joint Committee on Finance, under a passive review process.

JCF

INSERT A1

INSERT AZ

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

State

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

- 1 **SECTION 1.** 46.27 (4) (c) 8. of the statutes is amended to read:
- 2 46.27 (4) (c) 8. If a pilot project contract with an entity under s. 46.281 (1) (d)
- 3 (e) 1. is established in the county, a description of how the activities of the pilot project
- 4 entity relate to and are coordinated with the county's proposed program.
- 5 **SECTION 2.** 46.27 (5) (am) of the statutes is amended to read:
- 6 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
- 7 department or aging unit shall utilize persons for each assessment who can
- 8 determine the needs of the person being assessed and who know the availability
- 9 within the county of services alternative to placement in a nursing home. If any
- 10 hospital patient is referred to a nursing home for admission, these persons shall work
- 11 with the hospital discharge planner in performing the activities specified in sub. (6).

ASSEMBLY BILL 1110

1 The county department or aging unit shall coordinate the involvement of
2 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
3 51.437, health service providers and the county commission on aging in the
4 assessment activities specified in sub. (6), as well as the person being assessed and
5 members of the person's family or the person's guardian. This paragraph does not
6 apply to a county department or aging unit in a county ~~where a pilot project in which~~
7 the department has contracted with an entity under s. 46.281 (1) ~~(d)~~ is established
8 (e) 1.

9 **SECTION 3.** 46.27 (6) (a) 3. of the statutes is amended to read:

10 46.27 (6) (a) 3. In each participating county, except in counties ~~where a pilot~~
11 project in which the department has contracted with an entity under s. 46.281 (1) ~~(d)~~
12 is established (e) 1., assessments shall be conducted for those persons and in
13 accordance with the procedures described in the county's community options plan.
14 The county may elect to establish assessment priorities for persons in target groups
15 identified by the county in its plan regarding gradual implementation. If a person
16 who is already admitted to a nursing home requests an assessment and if funds
17 allocated for assessments under sub. (7) (am) are available, the county shall conduct
18 the assessment.

19 **SECTION 4.** 46.27 (6g) (intro.) of the statutes is amended to read:

20 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
21 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
22 assessment, unless the assessment is performed by an entity under a contract as
23 specified under s. 46.281 (1) ~~(d)~~ (e) 1., case plan, or services provided to a person
24 under this section is as follows:

25 **SECTION 5.** 46.27 (9) (c) of the statutes is amended to read:

ASSEMBLY BILL 1110

SECTION 5

1 46.27 (9) (c) All long-term community support services provided under this
 2 pilot project in lieu of nursing home care shall be consistent with those services
 3 described in the participating county's community options plan under sub. (4) (c) 1.
 4 and provided under sub. (5) (b). Unless the department has contracted under s.
 5 46.281 (1) (d) (e) 1. with an entity other than the county department, each county
 6 participating in the pilot project shall assess persons under sub. (6).

7 ~~SECTION 6. 46.281 (1) (d) (intro.) of the statutes is repealed.~~

DO NOT DELETE

8 SECTION 7. 46.281 (1) (d) 1. of the statutes is repealed.

9 SECTION 8. 46.281 (1) (d) 2. of the statutes is renumbered 46.281 (1) (d) and
 10 amended to read: ^{in the aggregate}

INSERT 4-21

11 46.281 (1) (d) In geographic areas in which resides no more than 29% 29
 12 percent of the ^{State} population that is eligible for the family care benefit, contract with
 13 ~~counties or tribes or bands under a pilot project to demonstrate the ability of counties~~
 14 ~~or tribes or bands~~ a county, a family care district, a tribe or band, the Great Lakes
 15 Inter-Tribal Council, Inc., or with 2 or more of these entities to manage all long-term
 16 care programs and administer the family care benefit as care management
 17 organizations. If the department proposes to contract with these entities to
 18 administer care management organizations in geographic areas in which resides
 19 more than 29 percent of the ^{State} population that is eligible for the family care benefit, the
 20 department shall first notify the joint committee on finance in writing of the
 21 proposed contract. If the cochairpersons of the committee do not notify the
 22 department within 14 working days after the date of the department's notification
 23 that the committee has scheduled a meeting for the purpose of reviewing the
 24 proposed contract, the department may enter into the proposed contract. If within
 25 14 days after the date of the department's notification the cochairpersons of the

but less than 51 percent

in the aggregate

ASSEMBLY BILL 1110

1 committee notify the department that the committee has scheduled a meeting for the
2 purpose of reviewing the proposed contract, the department may enter into the
3 proposed contract only upon approval of the committee. INSERT 5-3

4 SECTION 9. 46.281 (1) (e) (intro.) of the statutes, as affected by 2005 Wisconsin
5 Act 25, is repealed.

6 SECTION 10. 46.281 (1) (e) 1. of the statutes, as affected by 2005 Wisconsin Act
7 25, is amended to read: Subject to the requirements of par(d), if

8 46.281 (1) (e) 1. ~~If~~ the local long-term care council for the applicable area has
9 developed the initial plan under s. 46.282 (3) (a) 1., contract with entities specified
10 under par. (d) and may, only if specifically authorized by the legislature and if the
11 legislature appropriates necessary funding, contract as so authorized with one or
12 more entities in addition to those specified in par. (d) certified as meeting
13 requirements under s. 46.284 (3) for services of the entity as a care management
14 organization.

15 SECTION 11. 46.281 (1) (e) 2. of the statutes, as created by 2005 Wisconsin Act
16 25, is amended to read:

17 46.281 (1) (e) 2. Contract with entities specified under par. (d) and may contract
18 with other entities for the provision of services under s. 46.283 (3) and (4), except that
19 after July 27, 2005, the department shall notify the joint committee on finance in
20 writing of any proposed contract with an entity that did not have a contract to provide
21 services under s. 46.283 (3) and (4) before July 27, 2005. If the cochairpersons of the
22 committee do not notify the department within 14 working days after the date of the
23 department's notification that the committee has scheduled a meeting for the
24 purpose of reviewing the proposed contract, the department may enter into the
25 proposed contract. If within 14 working days after the date of the department's

ASSEMBLY BILL 1110

1 notification the cochairpersons of the committee notify the department that the
2 committee has scheduled a meeting for the purpose of reviewing the proposed
3 contract, the department may enter into the proposed contract only upon approval
4 of the committee.

INSERT 6-4

5 **SECTION 12.** 46.282 (2) (a) (intro.) of the statutes is amended to read:

6 46.282 (2) (a) *Appointment by a county.* (intro.) In a county that participates
7 in a pilot project in which the department has a contract under s. 46.281 (1) (d) (e)
8 and before a county participates in the program under ss. 46.2805 to 46.2895, the
9 following shall be done:

10 **SECTION 13.** 46.283 (2) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
11 Act 25, is amended to read:

12 46.283 (2) (b) (intro.) After June 30, 2001, the department ~~shall contract with~~
13 ~~the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review~~
14 ~~conditions under s. 46.281 (1) (e) 2. s. 46.281 (1) (e) 2. are satisfied, in addition to~~
15 ~~contracting with these entities,~~ contract to operate a resource center with counties,
16 family care districts, or the governing body of a tribe or band or the Great Lakes
17 Inter-Tribal Council, Inc., under a joint application of any of these, or with a private
18 nonprofit organization if the department determines that the organization has no
19 significant connection to an entity that operates a care management organization
20 and if any of the following applies:

21 **SECTION 14.** 46.285 (1) (a) of the statutes is amended to read:

22 46.285 (1) (a) For ~~a pilot project established~~ an entity with which the
23 department has contracted under s. 46.281 (1) (d) 2. (e) 1., provision of the services
24 specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the
25 provision of services of the care management organization by January 1, 2001.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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.....

~~no #~~ INSERT A1 ~~JZF~~

Notification by DHFS to ~~the Joint Committee on Finance~~ concerning such a proposed contract must include the contract proposal and an estimate of the fiscal impact of the proposed addition that demonstrates cost neutrality. However, for contracts with the entities to administer care management organizations in geographic areas in which, in the aggregate, more than 50 percent of the state population that is eligible for the Family Care benefit resides, the legislature must provide specific authorization and necessary funding. ✓

INSERT A2

The bill also requires that the evaluations that DHFS must make concerning Family Care include client access to services, the availability of client choice of living and service options (including the opportunity for the client to have self-directed services), quality of care, and cost effectiveness. ✓

INSERT 4-21

~~no #~~ 1 The notification shall include the contract proposal; and an estimate of the
2 fiscal impact of the proposed addition that demonstrates that the addition will be cost
3 neutral, including startup, transitional, and ongoing operational costs and any
4 proposed county contribution. ✓

INSERT 5-3

~~no #~~ 5 The department may contract with these entities to administer care
6 management organizations in geographic areas in which, in the aggregate, resides
7 more than 50 percent of the state population that is eligible for the family care benefit
8 only if specifically authorized by the legislature and if the legislature appropriates
9 necessary funding. ✓

✓ INSERT 6-4

10 **SECTION 1.** 46.281 (1) (g) 3. of the statutes is amended to read:
11 46.281 (1) (g) 3. Conduct ongoing evaluations of the long-term care system
12 specified in ss. 46.2805 to 46.2895 as to client access to services, the availability of
13 client choice of living and service options, quality of care, and cost-effectiveness. In
14 evaluating the availability of client choice, the department shall evaluate the

1 opportunity for a client to arrange for, manage, and monitor his or her family care
2 benefit directly or with assistance, as specified in s. 46.284 (4) (e) .

History: 1999 a. 9; 2001 a. 103; 2005 a. 25.

3

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

DAK:lmk:

D-NOTE
(date)

To Rebecca Hotynski

^{amendment} # Please let me know if this substitute meets with your approval or if you want modifications; I will then accordingly, also draft a substitute amendment to 2005 SB 6530

DAK



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

LRBs0657/1dn
DAK:lmk:rs

March 28, 2006

To Rebecca Hotynski:

Please let me know if this substitute amendment meets with your approval or if you want modifications; I will then, accordingly, also draft a substitute amendment to 2005 SB-653.

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



↑
STAYS

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 1110

Reisen ✓

1 AN ACT *to repeal* 46.281 (1) (d) (intro.), 46.281 (1) (d) 1. and 46.281 (1) (e) (intro.);
2 *to renumber and amend* 46.281 (1) (d) 2.; and *to amend* 46.27 (4) (c) 8., 46.27
3 (5) (am), 46.27 (6) (a) 3., 46.27 (6g) (intro.), 46.27 (9) (c), 46.281 (1) (e) 1., 46.281
4 (1) (e) 2., 46.281 (1) (g) 3., 46.282 (2) (a) (intro.), 46.283 (2) (b) (intro.), 46.285 (1)
5 (a) and 49.45 (3) (ag) of the statutes; **relating to:** contracts with entities to
6 operate resource centers and care management organizations under the
7 Family Care Program and evaluation of the Family Care Program.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health and Family Services (DHFS) administers Family Care, a program that provides in certain areas a flexible long-term care benefit called the Family Care benefit. A person must be at least 18 years of age, meet functional and financial eligibility requirements, and have a physical disability, a developmental disability, or infirmities of aging to qualify for the Family Care benefit.

Under current law, before July 1, 2001, DHFS was required to establish in certain geographical areas pilot projects under which DHFS contracted with counties, Family Care districts, federally recognized American Indian tribes or

bands, or the Great Lakes Inter-Tribal Council, Inc., to operate resource centers (organizations that provide information and referral services and determine financial and functional eligibility of prospective enrollees) or care management organizations (organizations that assess enrollees' service needs, develop comprehensive care plans for each enrollee, and provide or contract for provision of necessary services), or both. After June 30, 2001, if the local long-term care council for an applicable area had developed a required initial plan, and if authorized and funded by the legislature, DHFS was required to contract with one or more entities in addition to those under pilot projects, for services of a resource center or care management organization; however, as affected by 2005 Wisconsin Act 25 (the biennial budget act), any prospective additional contract with an entity to operate a resource center requires advance approval by the Joint Committee on Finance (JCF), on a passive review basis. Currently, DHFS must conduct on-going evaluations of Family Care.

Substitute amendment US 4x
This ~~bill~~ eliminates the requirements for establishing Family Care pilot projects before July 1, 2001, and integrates requirements for those pilot projects with current requirements for contracts with resource centers and care management organizations. The ~~bill~~ specifies that DHFS may contract with a county, a Family Care district, a tribe or band, the Great Lakes Inter-Tribal Council, Inc., or two or more of these entities to administer the Family Care benefit as care management organizations or resource centers. The ~~bill~~ authorizes DHFS to contract with these entities to administer care management organizations in geographic areas in which, in the aggregate, more than 29 percent but less than 51 percent of the state population that is eligible for the family care benefit reside, if such a proposed contract receives advance approval from JCF, under a passive review process. Notification by DHFS to the JCF concerning such a proposed contract must include the contract proposal and an estimate of the fiscal impact of the proposed addition that demonstrates cost neutrality. However, for contracts with the entities to administer care management organizations in geographic areas in which, in the aggregate, more than 50 percent of the state population that is eligible for the Family Care benefit resides, the legislature must provide specific authorization and necessary funding.

The ~~bill~~ also requires that the evaluations that DHFS must make concerning Family Care include client access to services, the availability of client choice of living and service options (including the opportunity for the client to have self-directed services), quality of care, and cost effectiveness.

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. 46.27 (4) (c) 8. of the statutes is amended to read:

1 46.27 (4) (c) 8. If a ~~pilot project~~ contract with an entity under s. 46.281 (1) (d)
2 (e) 1. is established in the county, a description of how the activities of the ~~pilot project~~
3 entity relate to and are coordinated with the county's proposed program.

4 **SECTION 2.** 46.27 (5) (am) of the statutes is amended to read:

5 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
6 department or aging unit shall utilize persons for each assessment who can
7 determine the needs of the person being assessed and who know the availability
8 within the county of services alternative to placement in a nursing home. If any
9 hospital patient is referred to a nursing home for admission, these persons shall work
10 with the hospital discharge planner in performing the activities specified in sub. (6).
11 The county department or aging unit shall coordinate the involvement of
12 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
13 51.437, health service providers and the county commission on aging in the
14 assessment activities specified in sub. (6), as well as the person being assessed and
15 members of the person's family or the person's guardian. This paragraph does not
16 apply to a county department or aging unit in a county ~~where a pilot project in which~~
17 the department has contracted with an entity under s. 46.281 (1) (d) ~~is established~~
18 (e) 1.

19 **SECTION 3.** 46.27 (6) (a) 3. of the statutes is amended to read:

20 46.27 (6) (a) 3. In each participating county, except in counties ~~where a pilot~~
21 ~~project in which the department has contracted with an entity~~ under s. 46.281 (1) (d)
22 ~~is established~~ (e) 1., assessments shall be conducted for those persons and in
23 accordance with the procedures described in the county's community options plan.
24 The county may elect to establish assessment priorities for persons in target groups
25 identified by the county in its plan regarding gradual implementation. If a person

1 who is already admitted to a nursing home requests an assessment and if funds
2 allocated for assessments under sub. (7) (am) are available, the county shall conduct
3 the assessment.

4 **SECTION 4.** 46.27 (6g) (intro.) of the statutes is amended to read:

5 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
6 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
7 assessment, unless the assessment is performed by an entity under a contract as
8 specified under s. 46.281 (1) (d) (e) 1., case plan, or services provided to a person
9 under this section is as follows:

10 **SECTION 5.** 46.27 (9) (c) of the statutes is amended to read:

11 46.27 (9) (c) All long-term community support services provided under this
12 pilot project in lieu of nursing home care shall be consistent with those services
13 described in the participating county's community options plan under sub. (4) (c) 1.
14 and provided under sub. (5) (b). Unless the department has contracted under s.
15 46.281 (1) (d) (e) 1. with an entity other than the county department, each county
16 participating in the pilot project shall assess persons under sub. (6).

17 **SECTION 6.** 46.281 (1) (d) (intro.) of the statutes is repealed.

18 **SECTION 7.** 46.281 (1) (d) 1. of the statutes is repealed.

19 **SECTION 8.** 46.281 (1) (d) 2. of the statutes is renumbered 46.281 (1) (d) and
20 amended to read:

21 46.281 (1) (d) In geographic areas in which, in the aggregate, resides no more
22 than ~~29%~~ 29 percent of the state population that is eligible for the family care benefit,
23 ~~contract with counties or tribes or bands under a pilot project to demonstrate the~~
24 ~~ability of counties or tribes or bands~~ a county, a family care district, a tribe or band,
25 the Great Lakes Inter-Tribal Council, Inc., or with 2 or more of these entities to

1 manage all long-term care programs and administer the family care benefit as care
2 management organizations. If the department proposes to contract with these
3 entities to administer care management organizations in geographic areas in which,
4 in the aggregate, resides more than 29 percent but less than 51 percent of the state
5 population that is eligible for the family care benefit, the department shall first
6 notify the joint committee on finance in writing of the proposed contract. The
7 notification shall include the contract proposal; and an estimate of the fiscal impact
8 of the proposed addition that demonstrates that the addition will be cost neutral,
9 including startup, transitional, and ongoing operational costs and any proposed
10 county contribution. If the cochairpersons of the committee do not notify the
11 department within 14 working days after the date of the department's notification
12 that the committee has scheduled a meeting for the purpose of reviewing the
13 proposed contract, the department may enter into the proposed contract. If within
14 14 days after the date of the department's notification the cochairpersons of the
15 committee notify the department that the committee has scheduled a meeting for the
16 purpose of reviewing the proposed contract, the department may enter into the
17 proposed contract only upon approval of the committee. The department may
18 contract with these entities to administer care management organizations in
19 geographic areas in which, in the aggregate, resides more than 50 percent of the state
20 population that is eligible for the family care benefit only if specifically authorized
21 by the legislature and if the legislature appropriates necessary funding.

22 **SECTION 9.** 46.281 (1) (e) (intro.) of the statutes, as affected by 2005 Wisconsin
23 Act 25, is repealed.

24 **SECTION 10.** 46.281 (1) (e) 1. of the statutes, as affected by 2005 Wisconsin Act
25 25, is amended to read:

1 46.281 (1) (e) 1. If Subject to the requirements of par. (d), if the local long-term
2 care council for the applicable area has developed the initial plan under s. 46.282 (3)
3 (a) 1., contract with entities specified under par. (d) and may, only if specifically
4 authorized by the legislature and if the legislature appropriates necessary funding,
5 contract as so authorized with one or more entities in addition to those specified in
6 par. (d) certified as meeting requirements under s. 46.284 (3) for services of the entity
7 as a care management organization.

8 **SECTION 11.** 46.281 (1) (e) 2. of the statutes, as created by 2005 Wisconsin Act
9 25, is amended to read:

10 46.281 (1) (e) 2. Contract with entities specified under par. (d) and may contract
11 with other entities for the provision of services under s. 46.283 (3) and (4), except that
12 after July 27, 2005, the department shall notify the joint committee on finance in
13 writing of any proposed contract with an entity that did not have a contract to provide
14 services under s. 46.283 (3) and (4) before July 27, 2005. If the cochairpersons of the
15 committee do not notify the department within 14 working days after the date of the
16 department's notification that the committee has scheduled a meeting for the
17 purpose of reviewing the proposed contract, the department may enter into the
18 proposed contract. If within 14 working days after the date of the department's
19 notification the cochairpersons of the committee notify the department that the
20 committee has scheduled a meeting for the purpose of reviewing the proposed
21 contract, the department may enter into the proposed contract only upon approval
22 of the committee.

23 **SECTION 12.** 46.281 (1) (g) 3. of the statutes is amended to read:

24 46.281 (1) (g) 3. Conduct ongoing evaluations of the long-term care system
25 specified in ss. 46.2805 to 46.2895 as to client access to services, the availability of

1 client choice of living and service options, quality of care, and cost-effectiveness. In
2 evaluating the availability of client choice, the department shall evaluate the
3 opportunity for a client to arrange for, manage, and monitor his or her family care
4 benefit directly or with assistance, as specified in s. 46.284 (4) (e).

5 **SECTION 13.** 46.282 (2) (a) (intro.) of the statutes is amended to read:

6 46.282 (2) (a) *Appointment by a county.* (intro.) In a county that participates
7 in a pilot project in which the department has a contract under s. 46.281 (1) (d) (e)
8 and before a county participates in the program under ss. 46.2805 to 46.2895, the
9 following shall be done:

10 **SECTION 14.** 46.283 (2) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
11 Act 25, is amended to read:

12 46.283 (2) (b) (intro.) After June 30, 2001, the department shall ~~contract with~~
13 ~~the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review~~
14 ~~conditions under s. 48.281 (1) (e) 2. s. 46.281 (1) (e) 2. are satisfied, in addition to~~
15 ~~contracting with these entities,~~ contract to operate a resource center with counties,
16 family care districts, or the governing body of a tribe or band or the Great Lakes
17 Inter-Tribal Council, Inc., under a joint application of any of these, or with a private
18 nonprofit organization if the department determines that the organization has no
19 significant connection to an entity that operates a care management organization
20 and if any of the following applies:

21 **SECTION 15.** 46.285 (1) (a) of the statutes is amended to read:

22 46.285 (1) (a) For ~~a pilot project established~~ an entity with which the
23 department has contracted under s. 46.281 (1) (d) ~~2.~~ (e) 1., provision of the services
24 specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the
25 provision of services of the care management organization by January 1, 2001.

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 1110**

1 **AN ACT to repeal** 46.281 (1) (d) (intro.), 46.281 (1) (d) 1. and 46.281 (1) (e) (intro.);
2 **to renumber and amend** 46.281 (1) (d) 2.; and **to amend** 46.27 (4) (c) 8., 46.27
3 (5) (am), 46.27 (6) (a) 3., 46.27 (6g) (intro.), 46.27 (9) (c), 46.281 (1) (e) 1., 46.281
4 (1) (e) 2., 46.281 (1) (g) 3., 46.282 (2) (a) (intro.), 46.283 (2) (b) (intro.), 46.285 (1)
5 (a) and 49.45 (3) (ag) of the statutes; **relating to:** contracts with entities to
6 operate resource centers and care management organizations under the
7 Family Care Program and evaluation of the Family Care Program.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health and Family Services (DHFS) administers Family Care, a program that provides in certain areas a flexible long-term care benefit called the Family Care benefit. A person must be at least 18 years of age, meet functional and financial eligibility requirements, and have a physical disability, a developmental disability, or infirmities of aging to qualify for the Family Care benefit.

Under current law, before July 1, 2001, DHFS was required to establish in certain geographical areas pilot projects under which DHFS contracted with counties, Family Care districts, federally recognized American Indian tribes or

bands, or the Great Lakes Inter-Tribal Council, Inc., to operate resource centers (organizations that provide information and referral services and determine financial and functional eligibility of prospective enrollees) or care management organizations (organizations that assess enrollees' service needs, develop comprehensive care plans for each enrollee, and provide or contract for provision of necessary services), or both. After June 30, 2001, if the local long-term care council for an applicable area had developed a required initial plan, and if authorized and funded by the legislature, DHFS was required to contract with one or more entities in addition to those under pilot projects, for services of a resource center or care management organization; however, as affected by 2005 Wisconsin Act 25 (the biennial budget act), any prospective additional contract with an entity to operate a resource center requires advance approval by the Joint Committee on Finance (JCF), on a passive review basis. Currently, DHFS must conduct on-going evaluations of Family Care.

This substitute amendment eliminates the requirements for establishing Family Care pilot projects before July 1, 2001, and integrates requirements for those pilot projects with current requirements for contracts with resource centers and care management organizations. The substitute amendment specifies that DHFS may contract with a county, a Family Care district, a tribe or band, the Great Lakes Inter-Tribal Council, Inc., or two or more of these entities to administer the Family Care benefit as care management organizations or resource centers. The substitute amendment authorizes DHFS to contract with these entities to administer care management organizations in geographic areas in which, in the aggregate, more than 29 percent but less than 51 percent of the state population that is eligible for the family care benefit reside, if such a proposed contract receives advance approval from JCF, under a passive review process. Notification by DHFS to the JCF concerning such a proposed contract must include the contract proposal and an estimate of the fiscal impact of the proposed addition that demonstrates cost neutrality. However, for contracts with the entities to administer care management organizations in geographic areas in which, in the aggregate, more than 50 percent of the state population that is eligible for the Family Care benefit resides, the legislature must provide specific authorization and necessary funding.

The substitute amendment also requires that the evaluations that DHFS must make concerning Family Care include client access to services, the availability of client choice of living and service options (including the opportunity for the client to have self-directed services), quality of care, and cost effectiveness.

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

1

SECTION 1. 46.27 (4) (c) 8. of the statutes is amended to read:

1 46.27 (4) (c) 8. If a ~~pilot project contract with an entity~~ under s. 46.281 (1) ~~(d)~~
2 (e) 1. is established in the county, a description of how the activities of the ~~pilot project~~
3 entity relate to and are coordinated with the county's proposed program.

4 **SECTION 2.** 46.27 (5) (am) of the statutes is amended to read:

5 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
6 department or aging unit shall utilize persons for each assessment who can
7 determine the needs of the person being assessed and who know the availability
8 within the county of services alternative to placement in a nursing home. If any
9 hospital patient is referred to a nursing home for admission, these persons shall work
10 with the hospital discharge planner in performing the activities specified in sub. (6).
11 The county department or aging unit shall coordinate the involvement of
12 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
13 51.437, health service providers and the county commission on aging in the
14 assessment activities specified in sub. (6), as well as the person being assessed and
15 members of the person's family or the person's guardian. This paragraph does not
16 apply to a county department or aging unit in a county ~~where a pilot project in which~~
17 the department has contracted with an entity under s. 46.281 (1) ~~(d)~~ is established
18 (e) 1.

19 **SECTION 3.** 46.27 (6) (a) 3. of the statutes is amended to read:

20 46.27 (6) (a) 3. In each participating county, except in counties ~~where a pilot~~
21 ~~project in which the department has contracted with an entity~~ under s. 46.281 (1) ~~(d)~~
22 ~~is established~~ (e) 1., assessments shall be conducted for those persons and in
23 accordance with the procedures described in the county's community options plan.
24 The county may elect to establish assessment priorities for persons in target groups
25 identified by the county in its plan regarding gradual implementation. If a person

1 who is already admitted to a nursing home requests an assessment and if funds
2 allocated for assessments under sub. (7) (am) are available, the county shall conduct
3 the assessment.

4 **SECTION 4.** 46.27 (6g) (intro.) of the statutes is amended to read:

5 46.27 **(6g)** FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
6 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
7 assessment, unless the assessment is performed by an entity under a contract as
8 specified under s. 46.281 (1) ~~(d)~~ (e) 1., case plan, or services provided to a person
9 under this section is as follows:

10 **SECTION 5.** 46.27 (9) (c) of the statutes is amended to read:

11 46.27 **(9)** (c) All long-term community support services provided under this
12 pilot project in lieu of nursing home care shall be consistent with those services
13 described in the participating county's community options plan under sub. (4) (c) 1.
14 and provided under sub. (5) (b). Unless the department has contracted under s.
15 46.281 (1) ~~(d)~~ (e) 1. with an entity other than the county department, each county
16 participating in the pilot project shall assess persons under sub. (6).

17 **SECTION 6.** 46.281 (1) (d) (intro.) of the statutes is repealed.

18 **SECTION 7.** 46.281 (1) (d) 1. of the statutes is repealed.

19 **SECTION 8.** 46.281 (1) (d) 2. of the statutes is renumbered 46.281 (1) (d) and
20 amended to read:

21 46.281 **(1)** (d) In geographic areas in which, in the aggregate, resides no more
22 than ~~29%~~ 29 percent of the state population that is eligible for the family care benefit,
23 ~~contract with counties or tribes or bands under a pilot project to demonstrate the~~
24 ~~ability of counties or tribes or bands~~ a county, a family care district, a tribe or band,
25 the Great Lakes Inter-Tribal Council, Inc., or with 2 or more of these entities to

1 manage all long-term care programs and administer the family care benefit as care
2 management organizations. If the department proposes to contract with these
3 entities to administer care management organizations in geographic areas in which,
4 in the aggregate, resides more than 29 percent but less than 51 percent of the state
5 population that is eligible for the family care benefit, the department shall first
6 notify the joint committee on finance in writing of the proposed contract. The
7 notification shall include the contract proposal; and an estimate of the fiscal impact
8 of the proposed addition that demonstrates that the addition will be cost neutral,
9 including startup, transitional, and ongoing operational costs and any proposed
10 county contribution. If the cochairpersons of the committee do not notify the
11 department within 14 working days after the date of the department's notification
12 that the committee has scheduled a meeting for the purpose of reviewing the
13 proposed contract, the department may enter into the proposed contract. If within
14 14 days after the date of the department's notification the cochairpersons of the
15 committee notify the department that the committee has scheduled a meeting for the
16 purpose of reviewing the proposed contract, the department may enter into the
17 proposed contract only upon approval of the committee. The department may
18 contract with these entities to administer care management organizations in
19 geographic areas in which, in the aggregate, resides more than 50 percent of the state
20 population that is eligible for the family care benefit only if specifically authorized
21 by the legislature and if the legislature appropriates necessary funding.

22 SECTION 9. 46.281 (1) (e) (intro.) of the statutes, as affected by 2005 Wisconsin
23 Act 25, is repealed.

24 SECTION 10. 46.281 (1) (e) 1. of the statutes, as affected by 2005 Wisconsin Act
25 25, is amended to read:

1 46.281 (1) (e) 1. ~~If Subject to the requirements of par. (d),~~ if the local long-term
2 care council for the applicable area has developed the initial plan under s. 46.282 (3)
3 (a) 1., contract with entities specified under par. (d) and may, only if specifically
4 authorized by the legislature and if the legislature appropriates necessary funding,
5 contract as so authorized with one or more entities in addition to those specified in
6 par. (d) certified as meeting requirements under s. 46.284 (3) for services of the entity
7 as a care management organization.

8 **SECTION 11.** 46.281 (1) (e) 2. of the statutes, as created by 2005 Wisconsin Act
9 25, is amended to read:

10 46.281 (1) (e) 2. Contract with entities specified under par. (d) and may contract
11 with other entities for the provision of services under s. 46.283 (3) and (4), except that
12 after July 27, 2005, the department shall notify the joint committee on finance in
13 writing of any proposed contract with an entity that did not have a contract to provide
14 services under s. 46.283 (3) and (4) before July 27, 2005. If the cochairpersons of the
15 committee do not notify the department within 14 working days after the date of the
16 department's notification that the committee has scheduled a meeting for the
17 purpose of reviewing the proposed contract, the department may enter into the
18 proposed contract. If within 14 working days after the date of the department's
19 notification the cochairpersons of the committee notify the department that the
20 committee has scheduled a meeting for the purpose of reviewing the proposed
21 contract, the department may enter into the proposed contract only upon approval
22 of the committee.

23 **SECTION 12.** 46.281 (1) (g) 3. of the statutes is amended to read:

24 46.281 (1) (g) 3. Conduct ongoing evaluations of the long-term care system
25 specified in ss. 46.2805 to 46.2895 as to client access to services, the availability of

1 client choice of living and service options, quality of care, and cost-effectiveness. In
2 evaluating the availability of client choice, the department shall evaluate the
3 opportunity for a client to arrange for, manage, and monitor his or her family care
4 benefit directly or with assistance, as specified in s. 46.284 (4) (e).

5 SECTION 13. 46.282 (2) (a) (intro.) of the statutes is amended to read:

6 46.282 (2) (a) *Appointment by a county.* (intro.) In a county ~~that participates~~
7 ~~in a pilot project in which the department has a contract~~ under s. 46.281 (1) ~~(d) (e)~~
8 and before a county participates in the program under ss. 46.2805 to 46.2895, the
9 following shall be done:

10 SECTION 14. 46.283 (2) (b) (intro.) of the statutes, as affected by 2005 Wisconsin
11 Act 25, is amended to read:

12 46.283 (2) (b) (intro.) After June 30, 2001, the department ~~shall contract with~~
13 ~~the entities specified under s. 46.281 (1) (d) 1, and may, if the applicable review~~
14 ~~conditions under s. 48.281 (1) (e) 2, s. 46.281 (1) (e) 2, are satisfied, in addition to~~
15 ~~contracting with these entities,~~ contract to operate a resource center with counties,
16 family care districts, or the governing body of a tribe or band or the Great Lakes
17 Inter-Tribal Council, Inc., under a joint application of any of these, or with a private
18 nonprofit organization if the department determines that the organization has no
19 significant connection to an entity that operates a care management organization
20 and if any of the following applies:

21 SECTION 15. 46.285 (1) (a) of the statutes is amended to read:

22 46.285 (1) (a) For ~~a pilot project established~~ an entity with which the
23 department has contracted under s. 46.281 (1) ~~(d) 2, (e) 1,~~ provision of the services
24 specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the
25 provision of services of the care management organization by January 1, 2001.

