

2007 DRAFTING REQUEST

Bill

Received: **09/18/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Pink**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

Pre Topic:

DOA:.....Pink, BB0014 -

Topic:

Medical Assistance contractor collections

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 09/26/2006 | kfollett 09/28/2006 | | _____ | | | S&L |
| /1 | | | rschluet 09/28/2006 | _____ | sbasford 09/28/2006 | | S&L |
| /2 | dkennedy 10/16/2006 dkennedy | kfollett 10/17/2006 | rschluet 10/18/2006 | _____ | mbarman 10/18/2006 | | |
| | | | | _____ | | | |
| | | | | _____ | | | |

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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| /1 | | | rschluet 09/28/2006 | _____ | sbasford 09/28/2006 | | S&L |
| /2 | dkennedy 10/16/2006 | kfollett 10/17/2006 | rschluet 10/18/2006 | _____ | mbarman 10/18/2006 | | |

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| /1 | | 12/gf 10/17 | rschluet 09/28/2006 | _____ | sbasford 09/28/2006 | | |

FE Sent For:

10176 <END>

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forsaac@dhfs.state.wi.us

Pre Topic:

DOA:.....Pink, BB0014 -

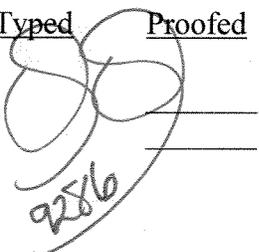
Topic:

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Instructions:

See Attached

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|--------------|----------------|-----------------|---|----------------|------------------|-----------------|-----------------|
| /? | dkennedy | 11 kjf 9/28 |  | | | | |

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Program Revenue Appropriation for Contractor Fees
- Tracking Code: BB0014
- SBO team: Health and Insurance
- SBO analyst: Michelle Pink
 - Phone: 7-7980
 - Email: michelle.pink@wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

Medium priority

Program Revenue Appropriation for Contractor Fees

Current Language

s.20.435(4)(im) is used for the deposit of estate recovery revenue. No statutory appropriations currently provide for the deposit of collections revenue.

Proposed Change

Amend s. 20.435(4)(im) to allow collections revenues to be deposited to and paid from that appropriation. Currently, appropriation (4)(im) is the appropriation for MA estate recovery revenues.

Background and Rationale for the Change

Under the change, the collections revenues resulting from performance based vendor contracts would be deposited to appropriation (4)(im). The Department would pay the contractor fee and other collections costs from the appropriation. The remaining amounts would be used to fund MA benefit costs.

Because appropriation (4)(im) is a continuing appropriation, the Department could seek additional spending authority as needed.

The change would allow the Department to pursue as many contingency-fee based revenue maximization projects as is feasible. The projects help ensure that the Medicaid program has adequate revenue to fund health care for the elderly, people with disabilities, and low income families with children. In his veto message for the 2005-07 biennial budget, the Governor directed the Department to maximize revenues for the Medicaid program.

The change would strengthen the Department's ability to maximize revenues and appropriately reimburse contracted vendors. Maximizing these revenues results in savings both to the state and the federal government.

The Wisconsin Medicaid program receives collections and other recoveries from providers, private insurers, and other parties for the cost of care provided to Medicaid clients. For example, it collects from private insurers for care costs covered by clients' private insurance policies.

These receipts are credited to the GPR, PR, and federal MA benefits appropriations as a reduction to expense.

DHFS has a number of Medicaid revenue maximization efforts in which it contracts with private firms to maximize collections owed to MA from providers and third parties. The Department will pay each contractor a fee based on a percentage of the collections it generates. Under current law, the Department lacks a program revenue appropriation from which it can pay the contractor fee with collections revenue.

The 2005-07 biennial budget assumes all collections revenue would be credited against the Medicaid GPR and federal benefits appropriations. The budget also provided \$180,000 GPR and \$180,000 FED per year in the MA administration appropriations to pay the projected fee for a contract for third party liability collections. Budgeting a sum certain amount of GPR for these fees does not provide the Department flexibility to pursue revenue maximization efforts. The Department would have insufficient funding for the contractor fees if collections exceed projected levels and would be restricted in its ability to expand the scope of its revenue maximization projects. If the collections revenues were budgeted in a program revenue appropriation, the Department would be able to pay the costs from revenues received.

| | |
|--------------------------------|----------------|
| Desired Effective Date: | Upon passage |
| Agency: | DHFS |
| Agency Contact: | Kirstin Nelson |
| Phone: | (608) 266-9359 |

– 20.435(4)(im)

(im) *Medical assistance; recovery of correct payments and from performance based contracts.*

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), for payment of claims under s. 867.035 (3), for payments to the federal government for its share of medical assistance benefits recovered, for the state share of medical assistance benefits under subch. IV of ch. 49 as specified in ss. 49.496 (5) and 867.035 (4), and for the state share of medical assistance benefits provided under s. 46.284 (5), and all moneys recovered from third parties, providers, recipients, and drug manufacturers for care funded under s. 20.435(4) (b), (bc), (bv), (j), (jz), (o), (p), (pg), and (w) as the result of activities under performance-based contracts, to fund the cost of recovering those moneys and the cost of benefits funded under 20.435(4) (b), (bc), (bv), (j), (jz), (o), (p), (pg), and (w).



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0249/31

DAK: *Kjf*

D-NOTE

DOA:.....Pink, BB0014 - Medical Assistance contractor collections
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

Currently, DHFS contracts with private entities to maximize collections and other recoveries of moneys owed to DHFS under the Medical Assistance (MA) Program from care or service providers and third parties, including insurers. Receipt of these moneys is credited to several MA appropriations as a reduction to expense.

This bill provides for receipt of moneys from MA collections and other recoveries as program revenue and authorizes expenditure of the moneys for collection and other recovery costs and for various benefits and other payments under the MA Program.

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:

2 SECTION 1. 20.435 (4) (im) of the statutes is amended to read:
3 20.435 (4) (im) *Medical assistance; recovery of correct payments correct*
4 *payment recovery; collections; other recoveries.* All moneys received from the recovery

1 of correct medical assistance payments under ss. 49.496 and 867.035 and rules
 2 promulgated under s. 46.286 (7) and all moneys received as collections and other
 3 recoveries from providers and ^{3rd} parties, for payments to counties and tribal
 4 governing bodies under s. 49.496 (4), for payment of claims under s. 867.035 (3), for
 5 payments to the federal government for its share of medical assistance benefits
 6 recovered, for the state share of medical assistance benefits under subch. IV of ch.
 7 49 as specified in ss. 49.496 (5) and 867.035 (4), and for the state share of medical
 8 assistance benefits provided under s. 46.284 (5), and for collection and other recovery
 9 costs.

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; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

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

10

(END)

D-NOTE

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

LRB-0249/7dn

DAK.....*kjf*

Date

To Michelle Pink and Kirstin Nelson:

Are the authorized program revenue expenditures under s. 20.435 (4) (im), stats., in this draft as broad as you want?

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

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

LRB-0249/1dn
DAK:kjfrs

September 28, 2006

To Michelle Pink and Kirstin Nelson:

Are the authorized program revenue expenditures under s. 20.435 (4) (im), stats., in this draft as broad as you want?

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debra.kennedy@legis.wisconsin.gov

Kennedy, Debora

From: Forsaith, Andrew
Sent: Tuesday, October 10, 2006 5:32 PM
To: Kennedy, Debora
Cc: Dybevik, Kenneth; Emmerton, Kathleen; Megna, Richard; Kirstin Nelson; O'Malley, Jeanne; Thompson, Cheryl; Warnke, Donald; Michelle.Pink@wisconsin.gov
Subject: Comments on LRB 0249/1

Debora -- thanks for the opportunity to comment on the draft. We have two main concerns:

1) We do not intend that all collections and recoveries be deposited in this appropriation -- only a) estate recovery revenues as under current law and b) those non estate recovery collections that are collected by outside firms under contingency based contracts. Other, non contingency based MA collections are "booked" as credits to expenses in the main Medicaid benefits GPR appropriation, and we would like to continue the current practice for those revenues.

For contingency based collections, we need to deposit them in (4)(im) to allow us to pay the contingency fees using the collection revenues.

For the above reasons, we recommend that Page 2, line 2 be modified to read "promulgated under s. 46.286(7) and all moneys received as Medical assistance collections and other recoveries from providers, drug manufacturers, and other 3rd parties as result of performance-based contracts..."

2) We would like authority to use the contingency based collections revenues to fund any MA benefits costs. However, as drafted, the language would only allow us to fund MA costs as specified in ss.

49.496(5) and 867.035(4), which govern the estate recovery program. To accomplish our intent, page 2 line 8 should be modified to read "...assistance benefits provided under s. 46.284(5), for the state share of medical assistance benefits provided under 20.435(4), (b), (bc), (bv), (j), (jz), (o), (p), (pg), and (w) and for collection and other recovery..."

Thanks for considering these comments, and let us know if you would like to talk about them.

Kennedy, Debora

From: Nelson, Kirstin [NelsoKB@dhfs.state.wi.us]
Sent: Wednesday, October 11, 2006 9:08 AM
To: Kennedy, Debora
Cc: Forsaith, Andrew
Subject: Fwd: FW: LRB Draft: 07-0249/1 Medical Assistance contractor collections

Attachments: TEXT.htm; 07-02491.pdf; 07-02491dn.pdf; Mime.822



TEXT.htm (5 KB) 07-02491.pdf (17 KB) 07-02491dn.pdf (8 KB) Mime.822 (34 KB)

Debora,

Here is an additional comment from DOA.

Thanks much.
Kirstin

Kirstin Nelson
Budget and Policy Analyst
Office of Strategic Finance
Department of Health and Family Services
(608) 266-5362
nelsokb@dhfs.state.wi.us

* * * * *

NOTICE: This email and any attachments may contain confidential information.

Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this email in error, please notify the sender; delete the email; and do not use, disclose or store the information it contains.

-----Original Message-----

Date: 09/28/2006 03:33 pm -0500 (Thursday)
From: "Pink, Michelle C - DOA" <michelle.pink@wisconsin.gov>
To: "Nelson, Kirstin" <NelsoKB@dhfs.state.wi.us>
CC: "Johnston, James - DOA" <James.Johnston@wisconsin.gov>
Subject: FW: LRB Draft: 07-0249/1 Medical Assistance contractor collections

Hi Kirsten,

Jim Johnston and I looked at this and had one edit. On the very last sentence (page 2, lines 8-9), we would change it to read "...under s.46.284 (5), and costs related to collections and other recoveries." It just makes it a little more flexible.

Please let me know if DHFS has any edits or concerns about our edit suggestion.

Michelle

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]
Sent: Thursday, September 28, 2006 1:10 PM
To: Pink, Michelle C - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-0249/1 Medical Assistance contractor collections

Following is the PDF version of draft 07-0249/1.



DOA:.....Pink, BB0014 - Medical Assistance contractor collections
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

from
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and other third parties under
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1 of correct medical assistance payments under ss. 49.496 and 867.035 and rules
 2 promulgated under s. 46.286 (7) and all moneys received as collections and other
 3 recoveries from providers and 3rd parties, for payments to counties and tribal
 4 governing bodies under s. 49.496 (4), for payment of claims under s. 867.035 (3), for
 5 payments to the federal government for its share of medical assistance benefits
 6 recovered, for the state share of medical assistance benefits under subch. IV of ch. provided
 7 49 as specified in ss. 49.496 (5) and 867.035 (4), and for the state share of medical
 8 assistance benefits provided under s. 46.284 (5), and for collection and other recovery
 9 costs.

recoveries

costs related to

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

(END)

, drug manufacturers,

under medical assistance
performance - based
contracts

D-NOTE

LRR-0249/2
DAK:ljf

Date

D-NOTE

Pink

To Michelle Pink and Kristen Nelson:

For this redraft,

instead of referring to "the state share of medical assistance benefits provided under [various appropriations]" as requested, I have broadened the existing language of the appropriation considerably to refer to all MA benefits under subch. IV of ch. 49, state. Please review.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0249/2dn
DAK:kjf:rs

October 18, 2006

To Michelle Pink and Kirsten Nelson:

For this redraft, instead of referring to "the state share of medical assistance benefits provided under [various appropriations]," as requested, I have broadened the existing language of the appropriation considerably to refer to all MA benefits under subch. IV of ch. 49, stats. Please review.

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

Kennedy, Debora

From: Forsaith, Andrew
Sent: Monday, October 23, 2006 5:55 PM
To: Kennedy, Debora
Subject: RE: Draft review: LRB 07-0249/2 Topic: Medical Assistancecontractor collections

Good -- then the separate cite is not needed.

>>> "Kennedy, Debora" <Debora.Kennedy@legis.wisconsin.gov> 10/23/06
3:34 PM >>>
Andy--

The family care benefit is mentioned in the MA eligibility provisions in ss. 49.46 (1) (a) 14m. And 49.47 (4) (as) 1. and 3. and in the MA benefit provisions under s. 49.46 (2) (b) 8.

Debora

-----Original Message-----

From: Forsaith, Andrew
Sent: Monday, October 23, 2006 2:37 PM
To: Kennedy, Debora
Cc: Emmerton, Kathleen; O'Malley, Jeanne; Thompson, Cheryl; Warnke, Donald; Megna, Richard; Nelson, Kirstin; [wisconsin.gov];.Michelle.Pink
Subject: Re: Draft review: LRB 07-0249/2 Topic: Medical Assistance contractor collections

Debora -- Thanks for the revised draft. We have one additional comment -- otherwise the draft is fine as drafted. We would like to retain the phrase "...and for the state share of medical assistance benefits provided under s. 46.284(5)" in lines 10 and 11 of the draft. This is a reference to the Family Care benefit -- I don't believe the Family Care benefit is referenced in chapter 49, Subchapter IV, so we should retain that cross reference to enable us to use collection revenues for Family Care benefits. Please let us know if you disagree.

Thanks,
Andy

>>> "Barman, Mike" <Mike.Barman@legis.wisconsin.gov> 10/18/06 2:38 PM
>>> >>>
Draft Requester: Administration-Budget

Following is the PDF version of draft LRB 07-0249/2 and drafter's note.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0249/2

DAK:kjf:rs

DOA:.....Pink, BB0014 - Medical Assistance contractor collections

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This bill provides for receipt of moneys from collections and other recoveries from providers, drug manufacturers, and other third parties under MA performance-based contracts, as program revenue, and authorizes expenditure of the moneys for collection and other recovery costs and for various benefits and other payments under the MA Program.

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

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3 of correct medical assistance payments under ss. 49.496 and 867.035 and rules
4 promulgated under s. 46.286 (7) and all moneys received as collections and other
5 recoveries from providers, drug manufacturers, and other 3rd parties under medical
6 assistance performance-based contracts, for payments to counties and tribal
7 governing bodies under s. 49.496 (4), for payment of claims under s. 867.035 (3), for
8 payments to the federal government for its share of medical assistance benefits
9 recovered, for the state share of medical assistance benefits provided under subch.
10 IV of ch. 49 ~~as specified in ss. 49.496 (5) and 867.035 (4), and for the state share of~~
11 ~~medical assistance benefits provided under s. 46.284 (5), and for costs related to~~
12 collections and other recoveries.

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

(END)