

2011 DRAFTING REQUEST

Bill

Received: 12/14/2010

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-2214**

By/Representing: **Dombrowski**

May Contact:

Drafter: **fknepp**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

DOA:.....Dombrowski, BB0149 -

Topic:

County payments to DHS for the birth to 3 waiver program and locally funded slots in the disabled children's long-term support program

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>
/?				_____			S&L
/P1	fknepp 12/23/2010	wjackson 01/04/2011	rschluet 01/05/2011	_____	mbarman 01/05/2011		S&L
/1	fknepp 02/14/2011	wjackson 02/14/2011	rschluet 02/15/2011	_____	mbarman 02/15/2011		

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<END>

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1 WJ 2/14

2/15/11

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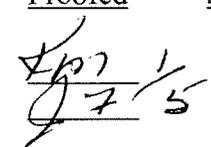
Topic:

County payments for Birth -3 waiver program, Children's Long Term Support slots and administration costs for disabled children's long-term support program

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>
/?	fknepp	pl WLj 1/4					

FE Sent For:

<END>

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Tuesday, December 14, 2010 12:43 PM
To: Dodge, Tamara
Subject: FW: Statutory Language Drafting Request
Attachments: 3rd party claims administrator.doc

From: Scott.Thornton@Wisconsin.gov [mailto:Scott.Thornton@Wisconsin.gov]
Sent: Tuesday, December 14, 2010 12:34 PM
To: Hanaman, Cathlene
Cc: Shayna.Hetzel@wisconsin.gov; Thornton, Scott - DOA; Gauger, Michelle C - DOA
Subject: Statutory Language Drafting Request

Topic: Third Party Administrator

Tracking Code: BB0149

SBO Team: HSI

SBO Analyst: Dombrowski, Cynthia A - DOA
Phone: (608) 266-2214
E-mail: Cynthia.Dombrowski@Wisconsin.gov

Agency Acronym: DHS

Agency Number: 435

Priority: High

Intent:

Memo.

Attachments: True

Create a PR continuing appropriation, all monies received, to allow DHS to accept payments from counties for Birth-3 waiver program participants and locally supported Children's Long Term Support slots in order to pay the state's contracted third party claims administrator.

Include language in the statutes to specify that counties are required to pay DHS the non-federal share of the cost of third party ~~claims~~ administration for all children enrolled in the birth to 3 medical assistance waiver, all benefits costs for children in locally supported Children's Long Term Supports slots, and for third party administrator administration costs for children newly enrolled by the county under the disabled children's long-term support program in locally supported slots after January 1, 2011.

DHS included in its budget request the alpha appropriation designation 20.435 (7)(hc). Please use that alpha if it is appropriate to do so.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0724/P1
FFK: /:....
WLj

In-12-23-10

dwote

DOA:.....Dombrowski, BB0149 - County payments to DHS for the birth to 3 waiver program and locally funded slots in the disabled children's long-term support program

FOR 2011-13 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

The Birth to 3 waiver program and the disabled children's long-term support program are Medical Assistance (MA) waiver programs that permit DHS to offer home and community-based services to children under MA. Counties pay the nonfederal share of MA costs for services provided under the Birth to 3 waiver program and for services provided to some of the children in the disabled children's long-term support program. Currently, counties administer these programs and pay providers who provide services under the programs.

Under this bill, DHS will utilize a private entity to administer the Birth to 3 waiver program and the disabled children's long-term support program. The private entity will also pay providers for services provided under these programs.

This bill requires counties to pay the following costs by providing funds to DHS, rather than paying the costs directly:

by

1. (a) The nonfederal share of services the county provides without state funding under the disabled children's long-term support program.

2. (b) The nonfederal share of benefits provided under the Birth to 3 waiver program.

- 3. (c) The administration costs for the Birth to 3 waiver program.
- 4. (d) The administration costs for services the county provides without state funding under the disabled children's long-term support program for a participant enrolled after January 1, 2011.

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}~~20.345~~ (7) (hc) of the statutes is created to read:
 2 ^{20.435}~~20.345~~ (7) (hc) Administration of the birth to 3 waiver program and the disabled
 3 children's long-term support program. All monies received from counties under ss.
 4 46.99 (3) and (3m) and 46.995, for an entity to administer and to pay for ^eservices
 5 provided under the the birth to 3 waiver program under s. 46.99 and the disabled
 6 children's long-term support program/^{3 as} defined in s. 46.011 (1g).

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

7 SECTION 2. 46.99 (3) of the statutes is amended to read:
 8 46.99 (3) If the waiver requested under sub. (2) is granted, counties shall
 9 provide to the department the nonfederal share of costs for medical assistance
 10 services provided under the waiver. Counties may use moneys appropriated under
 11 s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the
 12 nonfederal share of medical assistance costs.

****NOTE: Under ^{s.}51.44 (3) (a), DHS may distribute GPR funds from ^{s.}20.435 (7) (bt) to a county to provide early intervention services. Under ~~this section~~, the county may use such GPR funds to provide DHS with the nonfederal share of the ~~Birth to 3~~ waiver program. In other words, the county may return the GPR funds from ~~20.435 (7) (b)~~ to DHS to fund the nonfederal share of the birth to 3 waiver program.

Proposed s. 46.99 (3)
s.
birth to 3
s. (bt)

13 History: 2009 a. 28. SECTION 3. 46.99 (3m) of the statutes is created to read:

1 46.99 (3m) If the waiver requested under sub. (2) is granted, counties shall
2 provide to the department the nonfederal share of the cost incurred by an entity to
3 administer the waiver program ~~described in~~ ^{under} this section.

History: 2009 a. 28.

4 SECTION 4. 46.99 (4) of the statutes is amended to read:

5 46.99 (4) From the appropriation account under s. 20.435 (4) (o), the
6 department shall may distribute to counties that provide services under this section
7 the amount of federal moneys received by the state as the federal share of medical
8 assistance for those services, minus the amount transferred to the appropriation
9 account under s. 20.435 (7) (im) for the department's costs of administering this
10 section. Counties shall use moneys distributed under this section to provide services
11 under this section or s. 51.44.

****NOTE: If the department is using a third party administrator to administer the birth to 3 program, it seems unnecessary to require DHS to distribute federal funds to the county. Presumably, DHS would be distributing some, if not all, of the federal funds to the third party administrator in order to pay provider claims. I changed this section to be permissive, in case DHS will continue to distribute some federal funds to the counties for the birth to 3 program.

History: 2009 a. 28.

12 SECTION 5. 46.03 (18) (ar) of the statutes is amended to read:

13 ~~46.03 (18) (ar)~~ ^{Strike extra space} A Subject to ~~ss. 46.995,~~ a county may retain fees that it collects
14 under this subsection for services the county provides without state funding under
15 the disabled children's long-term support program.

****NOTE: Is this ^{CS} section consistent with DHS's plan to use a third party administrator to pay providers?

History: 1971 c. 270 s. 104; 1973 c. 90; 1973 c. 284 ss. 2, 32; 1973 c. 333; 1975 c. 39, 82; 1975 c. 189 s. 99 (1), (2); 1975 c. 224, 377, 413, 422; 1977 c. 29, 193; 1977 c. 196 s. 131; 1977 c. 203, 205, 271, 354; 1977 c. 418 ss. 287 to 289m, 924 (18) (d); 1977 c. 447, 449; 1979 c. 32 s. 92 (1); 1979 c. 34; 1979 c. 175 s. 46; 1979 c. 221, 331, 352; 1981 c. 20, 81; 1981 c. 314 s. 144; 1981 c. 390; 1983 a. 27, 193; 1983 a. 435 s. 7; 1983 a. 447, 474; 1983 a. 532 s. 36; 1985 a. 19, 29, 120, 176, 234, 285, 328, 331; 1985 a. 332 s. 251 (3); 1987 a. 3, 5, 27, 161, 186, 307, 339, 385, 399, 403, 413; 1989 a. 31 ss. 938m to 951, 2909g, 2909i; 1989 a. 56, 105, 107, 122; 1991 a. 39, 277; 1993 a. 16 ss. 851 to 859, 3072d; 1993 a. 98, 377, 385, 446, 481; 1995 a. 27 ss. 2026m to 2038b, 9126 (19); 1995 a. 77, 201, 225, 352, 370, 404, 448; 1997 a. 3, 27, 111, 283, 292; 1999 a. 9, 83; 2001 a. 16, 59, 61, 109; 2003 a. 33; 2005 a. 25, 293, 406; 2005 a. 443 s. 265; 2007 a. 20 ss. 800 to 823, 9121 (6) (a); 2007 a. 96, 104; 2009 a. 28, 180, 280.

16 SECTION 6. 46.995 of the statutes is created to read:

17 ^B 46.995 Disabled children's long-term support program ^{local funding}
18 (1) A county shall provide to the department the nonfederal share of the cost

1 incurred by an entity to administer services provided without state funding under
2 the disabled children's long-term support program for a child enrolled in the
3 program after December 31, 2010.

4 (2) A county shall provide to the department the nonfederal share of the cost
5 of services provided without state funding under the disabled children's long-term
6 support program.

7

(END)

A handwritten signature, possibly "J. White", is enclosed in a hand-drawn oval.

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

LRB-0724?dn

FFK:.....

Wlj

Date

To Cindy Dombroski:

This draft requires counties to provide DHS with the nonfederal share of the cost of benefits provided under the birth to 3 program and under locally funded spots in the disabled children's long term support program. It is my understanding that the counties are providing this money to DHS so that DHS may reimburse a third party administrator that pays the entities that provide the services in the birth to 3 program and the locally funded spots in the disabled children's long term support program.

Current law is based on the premise that DHS distributes moneys to counties to provide such services. With the addition of a third party claims administrator, will DHS continue to distribute moneys, specifically federal MA funds, to the counties for the birth to 3 program or for the disabled children's long term support program? If DHS will no longer distribute federal MA funds to counties for these programs, other statutory changes may be necessary.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0724/Pdn
FFK:wlj:rs

January 5, 2011

To Cindy Dombroski:

This draft requires counties to provide DHS with the nonfederal share of the cost of benefits provided under the birth to 3 program and under locally funded spots in the disabled children's long-term support program. It is my understanding that the counties are providing this money to DHS so that DHS may reimburse a third-party administrator that pays the entities that provide the services in the birth to 3 program and the locally funded spots in the disabled children's long-term support program.

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Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

RME
LRB-0724/P1 12
FFK:wj:rs
stays

In
2-14-11

note

DOA:.....Dombrowski, BB0149 - County payments to DHS for the birth to 3 waiver program and locally funded slots in the disabled children's long-term support program

FOR 2011-13 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

The Birth to 3 waiver program and the disabled children's long-term support program are Medical Assistance (MA) waiver programs that permit DHS to offer home and community-based services to children under MA. Counties pay the nonfederal share of MA costs for services provided under the Birth to 3 waiver program and for services provided to some of the children in the disabled children's long-term support program. Currently, counties administer these programs and pay providers who provide services under the programs.

Under this bill, DHS will utilize a private entity to administer the Birth to 3 waiver program and the disabled children's long-term support program. The private entity will also pay providers for services provided under these programs.

This bill requires counties to pay the following costs by providing funds to DHS, rather than by paying the costs directly:

1. The nonfederal share of services the county provides without state funding under the disabled children's long-term support program.
2. The nonfederal share of benefits provided under the Birth to 3 waiver program.

3. The administration costs for the Birth to 3 waiver program.

4. The administration costs for services the county provides without state funding under the disabled children's long-term support program for a participant enrolled after January 1, 2011.

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 (7) (hc) of the statutes is created to read:

2 20.435 (7) (hc) *Administration of the birth to 3 waiver program and the disabled*
3 *children's long-term support program.* All monies received from counties under ss.
4 46.99 (3) and (3m) and 46.995, for an entity to administer and to pay for services
5 provided under the the birth to 3 waiver program under s. 46.99 and the disabled
6 children's long-term support program, as defined in s. 46.011 (1g).

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

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 ****NOTE: Is this SECTION consistent with DHS's plan to use a third-party administrator to pay providers?

11 **SECTION 3.** 46.99 (3) of the statutes is amended to read:

12 46.99 (3) If the waiver requested under sub. (2) is granted, counties shall
13 provide to the department the nonfederal share of costs for medical assistance
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15 s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the
16 nonfederal share of medical assistance costs.

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county may use such GPR funds to provide DHS with the nonfederal share of the birth to 3 waiver program. In other words, the county may return the GPR funds from s. 20.435 (7) (bt) to DHS to fund the nonfederal share of the birth to 3 waiver program.

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9 assistance for those services, minus the amount transferred to the appropriation
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11 section. Counties shall use moneys distributed under this section to provide services
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15 **(1)** A county shall provide to the department the nonfederal share of the cost
16 incurred by an entity to administer services provided without state funding under
17 the disabled children's long-term support program for a child enrolled in the
18 program after December 31, 2010.

**DRAFTER'S NOTE
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LEGISLATIVE REFERENCE BUREAU**

LRB-0724/1dn

FFK:.....

WLy

Date

To Cindy:

This redraft removes the four^ostar notes contained in the /P1 draft. As I did not receive a response to the previous drafter's note, this draft assumes that DHS will continue to distribute federal MA funds to counties for the birth to 3 program and for locally funded spots in the disabled children's long-term support program. If this is not the case, please let me know, as other statutory changes may be required.

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**DRAFTER'S NOTE
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LRB-0724/1dn
FFK:wlj:rs

February 15, 2011

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DOA:.....Dombrowski, BB0149 – County payments to DHS for the birth to 3 waiver program and locally funded slots in the disabled children’s long-term support program

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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2. The nonfederal share of benefits provided under the Birth to 3 waiver program.

3. The administration costs for the Birth to 3 waiver program.

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