

**2013 DRAFTING REQUEST**

**Bill**

Received: **8/8/2013** Received By: **tdodge**  
Wanted: **As time permits** Same as LRB:  
For: **Melissa Sargent (608) 266-0960** By/Representing: **Aaron Collins**  
May Contact: Drafter: **tdodge**  
Subject: **Medical Assistance** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Sargent@legis.wisconsin.gov**  
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**pam.kahler@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Allow counties to accept Medicaid expansion.

---

**Instructions:**

Allow counties, after vote by county board to accept the federal MA expansion for adults up to 133% FPL. Can do this by directing DHS to take and administer expansion in those counties. Check county in Ohio that is possibly partnering with a hospital.

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**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>
/?	tdodge 9/23/2013			_____			
/P1	tdodge 10/17/2013	kfollett 9/23/2013	jfrantze 9/24/2013	_____	mbarman 9/24/2013		State S&L
/P2	tdodge	kfollett	jmurphy	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/9/2013	10/28/2013	10/28/2013	_____	10/28/2013		S&L
/1		kfollett 12/9/2013	jmurphy 12/9/2013	_____	mbarman 12/9/2013	lparisi 12/9/2013	State S&L

FE Sent For:

*at wtr*  
*1/23/14*

<END>

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Vers. Drafted

Reviewed  
10/28/2013

Typed  
10/28/2013

Proofed  
\_\_\_\_\_

Submitted  
10/28/2013

Jacketed

Required  
S&L

FE Sent For:

11/5/12  
12/9

jm  
12/9

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		1P2kf 10/28		Jm 9/28			

FE Sent For:

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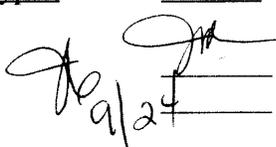
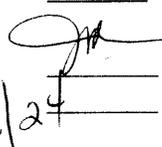
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/?	tdodge	1/P1/kf 9/23					

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2899(?)

TJD: [unclear] PI

RMR

In: 9/23/13

Due Wed  
9/25/13  
possible

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 AN ACT ...; relating to: allowing counties to request to expand Medical  
2 Assistance eligibility.

*Analysis by the Legislative Reference Bureau*

Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) and BadgerCare Plus Core (BC+ Core) programs. Under current law, certain parents and caretaker relatives with incomes of not more than 200 percent of the federal poverty line (FPL) are eligible for BC+ benefits. Adults who are under age 65, who have a family income that does not exceed 200 percent of the FPL and who are not otherwise eligible for MA, including BC+, are eligible for benefits under BC+ Core under current law. Beginning on January 1, 2014, the income eligibility level is 100 percent of the FPL before a 5 percent income disregard is applied for parents and caretaker relatives under BC+ and for all individuals under BC+ Core.

This bill requires DHS to allow a county to submit a waiver of federal Medicaid law or a proposal for a demonstration program to the federal government in order to provide MA benefits to adults who are not otherwise eligible for MA and whose family incomes do not exceed 133 percent of the FPL. If the county obtains federal permission to expand MA eligibility, DHS must facilitate the administration of MA benefits in that county as needed.

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. 49.45 (23m) of the statutes is created to read:

2 49.45 (23m) COUNTY ELIGIBILITY EXPANSION. Notwithstanding sub. (23) or s.  
3 49.471 (4) (a), the department shall allow any county to submit a waiver of federal  
4 Medicaid law or a proposal for a demonstration program to the federal department  
5 of health and human services in order to provide benefits under the Medical  
6 Assistance program to adults whose family incomes do not exceed 133 percent of the  
7 poverty line and who are not otherwise eligible for Medical Assistance benefits under  
8 this subchapter. If the federal department of health and human services approves  
9 the waiver or demonstration program, the department shall facilitate, as needed, the  
10 administration of Medical Assistance benefits in that county.

\*\*\*NOTE: This subsection allows a county to administer an expansion of Medical Assistance. The county program, as drafted, could only include adults whose incomes exceeded 100 percent of the poverty line but were less than 133 percent of the federal poverty line. Please contact me if you want more details added.

X  
X  
\*\*\*NOTE: The situation for the Cuyahoga County in Ohio, which obtained one of these waivers, was unique. The county made a joint proposal with a county hospital that could already provide the state share of payments for Medicaid purposes; the county and the hospital funded the expansion; Cuyahoga County and Cleveland were hit very hard very early in the recession; and the expansion program took effect before the January 1, 2014, date that applies to many of the provision in the Patient Protection and Affordable Care Act. I do not know whether Cuyahoga county obtained an enhanced federal matching percentage, as is described in the Patient Protection and Affordable Care Act for "newly eligible" individuals. I do not know whether a Wisconsin county would be eligible for the enhanced federal matching percentage if it did receive permission from the federal government to expand Medical Assistance. S

## Dodge, Tamara

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**From:** Collins, Aaron  
**Sent:** Wednesday, October 09, 2013 10:31 AM  
**To:** Dodge, Tamara  
**Subject:** changes to LRB 2899  
**Attachments:** 13-2899\_P1 CM.pdf

Hi Tami,

Rep. Sargent would like to request the following changes to LRB 2899/P1:

- ✓ Direct DHS to submit a Medicaid waiver or proposal for a demonstration program to CMS on behalf of a county that wants to expand MA eligibility to 133% of the FPL. We don't know if CMS would accept MA waiver or demonstration program requests from individual counties. Directing DHS to handle this might at least take this issue off the table.
- ✓ Require any county program to cover adults between 0% of the FPL and 133% of the FPL. Christian Moran, from Rep. Richards office, has highlighted language in the draft (attached) that we think might need to be deleted or amended to accomplish this goal. ("and who are not otherwise eligible for Medical Assistance under this subchapter")
- ✓ Require DHS when negotiating with DHS to achieve the highest possible FMAP for counties seeking to expand MA. We'd suggest incorporating language similar to Section 7 of AB 311 into the draft.

Let me know if those changes work within the framework of the bill. Thanks so much.

**Aaron Collins**

**Office of Representative Melissa Sargent**

48<sup>th</sup> Assembly District

8 West, State Capitol

608-266-0960

[aaron.collins@legis.wi.gov](mailto:aaron.collins@legis.wi.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2899/P1  
TJD:kif:jf

In: 10/17/13

Due:  
Other

P2  
stays RMR  
UPS  
initial

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

and assisting

1

AN ACT to create 49.45 (23m) of the statutes; relating to: ~~allowing~~ counties to

2

request to expand Medical Assistance eligibility.

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Currently, the Department of Health Services (DHS) administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Some services are provided through programs that operate under a waiver of federal Medicaid laws, including services provided through the BadgerCare Plus (BC+) and BadgerCare Plus Core (BC+ Core) programs. Under current law, certain parents and caretaker relatives with incomes of not more than 200 percent of the federal poverty line (FPL) are eligible for BC+ benefits. Adults who are under age 65, who have a family income that does not exceed 200 percent of the FPL and who are not otherwise eligible for MA, including BC+, are eligible for benefits under BC+ Core under current law. Beginning on January 1, 2014, the income eligibility level is 100 percent of the FPL before a 5 percent income disregard is applied for parents and caretaker relatives under BC+ and for all individuals under BC+ Core.

This bill requires DHS to allow a county to submit a waiver of federal Medicaid law or a proposal for a demonstration program to the federal government in order to provide MA benefits to adults who are not otherwise eligible for MA and whose family incomes do not exceed 133 percent of the FPL. If the county obtains federal permission to expand MA eligibility, DHS must facilitate the administration of MA benefits in that county as needed.

Submit  
on behalf  
of

Insert  
Analysis

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:* submit on behalf of

SECTION 1. 49.45 (23m) of the statutes is created to read:

49.45 (23m) COUNTY ELIGIBILITY EXPANSION. (a) Notwithstanding sub. (23) or s. 49.471 (4) (a), the department shall allow any county, with approval of the county board of supervisors, to submit a waiver of federal Medicaid law or a proposal for a demonstration program to the federal department of health and human services in order to provide benefits under the Medical Assistance program to adults whose family incomes do not exceed 133 percent of the poverty line and who are not otherwise eligible for Medical Assistance benefits under this subchapter. If the federal department of health and human services approves the waiver or demonstration program described under par. (a), the department shall facilitate, as needed, the administration of Medical Assistance benefits in that county.

\*\*\*\*NOTE: This subsection allows a county to administer an expansion of Medical Assistance. The county program, as drafted, could only include adults whose incomes exceeded 100 percent of the poverty line but were less than 133 percent of the federal poverty line. Please contact me if you want more details added.

\*\*\*\*NOTE: The situation for Cuyahoga County in Ohio, which obtained one of these waivers, was unique. The county made a joint proposal with a county hospital that could already provide the state share of payments for Medicaid purposes; the county and the hospital funded the expansion; Cuyahoga County and Cleveland were hit very hard very early in the recession; and the expansion program took effect before the January 1, 2014, date that applies to many of the provisions in the Patient Protection and Affordable Care Act. I do not know whether Cuyahoga County obtained an enhanced federal matching percentage, as is described in the Patient Protection and Affordable Care Act for "newly eligible" individuals. I do not know whether a Wisconsin county would be eligible for the enhanced federal matching percentage if it did receive permission from the federal government to expand Medical Assistance.

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2899/P2ins  
TJD:.....

1 <sup>no 97</sup> INSERT ANALYSIS

X Under the bill, DHS is required to assist, in good faith, the county in preparing the waiver request or proposal for federal approval and in any negotiations with the federal government. In any negotiations with the federal government, DHS must promote approval of the waiver request or proposal and must also seek the highest available federal medical assistance matching percentage described in the federal Patient Protection and Affordable Care Act. To qualify for the highest available federal medical assistance matching percentage, DHS must submit any necessary amendments to the state plan, submit any amendment to the county's waiver request or proposal, and comply and assist the county in complying with all federal requirements.

<sup>no 71</sup> (END INSERT ANALYSIS)

2 <sup>no 71</sup> INSERT 2-8

3 - The department, in good faith, shall assist the county in preparing the waiver  
4 or proposal and in any negotiations with the federal department of health and  
5 human services.

6 (b) In any negotiations with the federal department of health and human  
7 services related to the waiver request or proposal under par. (a), the department  
8 shall promote the approval of the waiver request or proposal and shall seek the  
9 highest available federal medical assistance matching percentage described under  
10 42 USC 1396d (y) or (z). The department shall submit any amendment to the state  
11 medical assistance plan and any amendment to the waiver request or proposal under  
12 par. (a) and shall comply and assist the county in complying with all federal  
13 requirements to qualify for the highest available federal medical assistance  
14 percentage.

(END INSERT 2-8)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2899/P2

TJD:kjf:jm

RMR

In: 12/9 Due  
Soon

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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This bill requires DHS to submit on behalf of a county a waiver of federal Medicaid law or a proposal for a demonstration program to the federal government in order to provide MA benefits to adults whose family incomes do not exceed 133 percent of the FPL. Under the bill, DHS is required to assist, in good faith, the county in preparing the waiver request or proposal for federal approval and in any negotiations with the federal government. In any negotiations with the federal government, DHS must promote approval of the waiver request or proposal and must

also seek the highest available federal medical assistance matching percentage described in the federal Patient Protection and Affordable Care Act. To qualify for the highest available federal medical assistance matching percentage, DHS must submit any necessary amendment to the state plan, submit any amendment to the county's waiver request or proposal, and comply and assist the county in complying with all federal requirements. If the county obtains federal permission to expand MA eligibility, DHS must facilitate the administration of MA benefits in that county as needed.

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 s. 49.471 (4) (a), the department shall submit on behalf of any county, with approval

4 of the county board of supervisors, a waiver of federal Medicaid law or a proposal for

5 a demonstration program to the federal department of health and human services

6 in order for that county to provide benefits under the Medical Assistance program

7 to adults whose family incomes do not exceed 133 percent of the poverty line. The

8 department, in good faith, shall assist the county in preparing the waiver or proposal

9 and in any negotiations with the federal department of health and human services.

10          (b) In any negotiations with the federal department of health and human

11 services related to the waiver request or proposal under par. (a), the department

12 shall promote the approval of the waiver request or proposal and shall seek the

13 highest available federal medical assistance matching percentage described under

14 42 USC 1396d (y) or (z). The department shall submit any amendment to the state

15 medical assistance plan and any amendment to the waiver request or proposal under

16 par. (a) and shall comply and assist the county in complying with all federal

1 requirements to qualify for the highest available federal medical assistance  
2 percentage.

3 (c) If the federal department of health and human services approves the waiver  
4 or demonstration program described under par. (a), the department shall facilitate,  
5 as needed, the administration of Medical Assistance benefits in that county.

6 (END)

**Parisi, Lori**

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**From:** Collins, Aaron  
**Sent:** Monday, December 09, 2013 3:12 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2899/1 Topic: Allow counties to accept Medicaid expansion.

Please Jacket LRB -2899/1 for the ASSEMBLY.