

2015 DRAFTING REQUEST

Senate Amendment (SA-SB687)

Received: 2/1/2016 Received By: tdodge
For: Howard Marklein (608) 266-0703 Same as LRB: a1875
May Contact: By/Representing: Crystal
Subject: Medical Assistance Drafter: tdodge
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Marklein@legis.wi.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Remove provision adding requirement to waiver request; clarify insurance laws apply

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 2/2/2016		_____			
/1	tdodge 2/3/2016	kfollett 2/3/2016	_____	lparisi 2/2/2016	lparisi 2/2/2016	
/2	tdodge 2/6/2016	wjackson 2/7/2016	_____	sbasford 2/3/2016	sbasford 2/3/2016	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	tdodge 2/9/2016	kfollett 2/9/2016	_____ _____	mbarman 2/8/2016	mbarman 2/8/2016	
/4			_____ _____	sbasford 2/9/2016	sbasford 2/9/2016	

FE Sent For:

<END>

Dodge, Tamara

From: Potts, Crystal
Sent: Monday, February 01, 2016 4:04 PM
To: Dodge, Tamara
Cc: Thorson, Randy
Subject: Amendment Request for LRB 4264 & 4597

Tami—

Thanks for all your hard work on this bill.

Could you please draft an amendment to LRB 4597 that would delete Section 15 from the bill?

If you could have a companion amendment drafted for the assembly version, that would be great. Krug's office is cc'd on this email.

Thanks,

Crystal L. Potts | Chief of Staff | Office of State Senator Howard Marklein
17th Senate District | 608-266-0703 | <http://legis.wisconsin.gov/senate/17/marklein>





State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1866/1
TJD: [Signature]

In: 42

Due Today

**SENATE AMENDMENT ,
TO SENATE BILL 687**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 8, line 10: delete lines 10 to 15.

3 (END)

Dodge, Tamara

From: Potts, Crystal
Sent: Wednesday, February 03, 2016 4:05 PM
To: Dodge, Tamara
Cc: Thorson, Randy; Larson, Brian
Subject: Re: Amendment to SB 687

This looks good to us. This language plus the deletion of Section 15 can go into one amendment. Thank you, Tami!

Sent from my iPhone

On Feb 2, 2016, at 6:10 PM, Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov> wrote:

Crystal,

Here is my idea for the amendment:

600.01 (1) (b) 10. b. of the statutes is amended to read:

600.01 (1) (b) 10. b. The exemption under subd. 10. a. does not apply if the services offered by the care management organization **or the corporation created under s. 46.284 (4m) or s. 46.2895 (4) (q)** include hospital, physician or other acute health care services other than mental health and alcohol and other drug abuse treatment services.

As an explanation of what this is doing:

Chapters 600-646 apply to insurance. Section 600.01 (1) (b) is a list of what the insurance chapters do not apply to. The insurance chapters do not apply to long-term care services funded by Family Care and provided by a care management organization (see s. 600.01 (1) (b) 10. a.). However, the insurance chapters do apply to those care management organization services if they include medical care (see 600.01 (1) (b) 10. b.).

This proposed amendment above is designed to clarify that if a care management organization or long-term care district creates a corporation that provides Family Care long-term care benefits plus medical care the insurance chapters (including the chapter regarding HMOs) apply to them. I do believe that the insurance chapters and OCI oversight would apply anyway without the amendment because the waiver has not yet been approved to accommodate the idea of IHAs.

Just for completeness, OCI does have some oversight of care management organizations that only provide long-term care services under Family Care through ch. 648 and this is not affected by this proposed amendment or by the bill. The bill allows the CMO to transfer the permit under ch. 648 to the corporation with DHS and OCI approval.

Let me know if you have any questions or if you want me to add this to your amendments.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Dodge, Tamara
Sent: Tuesday, February 02, 2016 3:13 PM
To: Potts, Crystal <Crystal.Potts@legis.wisconsin.gov>
Cc: Thorson, Randy <Randy.Thorson@legis.wisconsin.gov>; Larson, Brian <Brian.Larson@legis.wisconsin.gov>
Subject: RE: Amendment to SB 687

Since the amendment had stripes, I can't send a preliminary amendment. Bu I will send an email to all of you with the proposed language either later this evening or tomorrow morning before sending the official amendment back.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Potts, Crystal
Sent: Tuesday, February 02, 2016 2:52 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Thorson, Randy <Randy.Thorson@legis.wisconsin.gov>; Larson, Brian <Brian.Larson@legis.wisconsin.gov>
Subject: Re: Amendment to SB 687

Randy and I will send back the stripes. One amendment to make it cleaner. Could I see the language before it gets officially jacketed? Thank you!

Sent from my iPhone

On Feb 2, 2016, at 2:51 PM, Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov> wrote:

Crystal,

I just talked to Brian and we have a solution. If you and Randy want to send the stripes back, I can redraft those amendments. Otherwise, I can draft additional amendments for this, just let me know.

Tami

Tamara J. Dodge
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Potts, Crystal
Sent: Tuesday, February 02, 2016 1:59 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Cc: Thorson, Randy <Randy.Thorson@legis.wisconsin.gov>; Larson, Brian <Brian.Larson@legis.wisconsin.gov>
Subject: Amendment to SB 687

Tami—

I spoke with Brian Larson today briefly on a possible amendment to address some concerns that were raised. Some people think that this bill would allow MCOs to circumvent the existing process and become HMOs.

Is there any way to refine a “notwithstanding” clause that would basically say that an MCO would not be able to circumvent the existing pathway to become an MCO? This way, we specifically address the concerns that have been raised.

I’m not an attorney, so I apologize if that doesn’t make any sense. If we get it figured out, Krug and I can send back the stripes and have the amendment added to the deletion of Section 15.

Please let me or Brian Larson know if you have any questions.

Thanks,

Crystal L. Potts | Chief of Staff | Office of State Senator Howard Marklein
17th Senate District | 608-266-0703 |
<http://legis.wisconsin.gov/senate/17/marklein>
<image001.png> <image002.png>



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1866/1
TJD:kjf ^{De} 2

In: 2/3

Done
Today

**SENATE AMENDMENT ,
TO SENATE BILL 687**

Insert A1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 8, line 10: delete lines 10 to 15.

3 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1866/2ins
TJD:...

1 INSERT A1

2 1. Page 8, line 9: after that line insert:

3 "SECTION 14m. 600.01 (1) (b) 10. b. of the statutes is amended to read:

4 600.01 (1) (b) 10. b. The exemption under subd. 10. a. does not apply if the
5 services offered by the care management organization or the corporation created
6 under s. 46.284 (4m) or s. 46.2895 (4) (q) include hospital, physician or other acute
7 health care services other than mental health and alcohol and other drug abuse
8 treatment services."

*as affected w
by 2015
Act 90,*

History: 1971 c. 260; 1975 c. 375, 421; 1975 c. 422 s. 163; 1977 c. 203; 1979 c. 89, 102, 177; 1983 a. 358 s. 14; 1989 a. 31; 1989 a. 187 s. 29; 1989 a. 317, 336; 1991 a. 39, 69, 250, 309; 1993 a. 16; 1995 a. 116, 150, 289; 1997 a. 27, 35; 1999 a. 9, 155; 2001 a. 104; 2003 a. 302; 2007 a. 20 s. 9121 (6) (a); 2011 a. 226; 2015 a. 90.

9 END INSERT A1

Dodge, Tamara

From: Potts, Crystal
Sent: Friday, February 05, 2016 2:59 PM
To: Dodge, Tamara
Cc: Thorson, Randy
Subject: Revision to Amendment to SB 687/AB 856

Tami—

I hate to do this, but we have a revision from OCI to the amendment you sent us.

600.01 (1) (b) 10. b. The exemption under subd. 10. a. does not apply if the services offered by the care management organization or ~~the corporation~~ a nonstock, nonprofit corporation under ch. 181 created under s. 46.284 (4m) or 46.2895 (4) (q) include hospital, physician or other acute health care services other than mental health and alcohol and other drug abuse treatment services.”.

Procedurally, what would make sense? Should Randy and I send back the amendment jackets for revision?

Thanks for all your work on this.

Have a great weekend,

Crystal L. Potts | Chief of Staff | Office of State Senator Howard Marklein
17th Senate District | 608-266-0703 | <http://legis.wisconsin.gov/senate/17/marklein>





State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1866/2e3
TJD:kjf
+Wlj

In: 2/6

Due ASAP
monday 2/8

SENATE AMENDMENT,
TO SENATE BILL 687

a nonstock, nonprofit

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11

At the locations indicated, amend the bill as follows:

1. Page 8, line 9: after that line insert:

“SECTION 14m. 600.01 (1) (b) 10. b. of the statutes, as affected by 2015 Wisconsin Act 90, is amended to read:

600.01 (1) (b) 10. b. The exemption under subd. 10. a. does not apply if the services offered by the care management organization or the corporation created under s. 46.284 (4m) or 46.2895 (4) (q) include hospital, physician or other acute health care services other than mental health and alcohol and other drug abuse treatment services.”

under ch. 181

2. Page 8, line 10: delete lines 10 to 15.

(END)

Dodge, Tamara

From: Potts, Crystal
Sent: Tuesday, February 09, 2016 9:54 AM
To: Dodge, Tamara
Cc: Thorson, Randy
Subject: LRB a1866

Tami—

I really hate to do this again, but Milwaukee County reached out to DHS with a minor change. Could we add this to the amendment if I send the jacket back? It's my understanding Rep. Krug's office has not yet sent in the amendment for introduction.

Milwaukee County has identified an error in the original creation of the current statute. This bill makes changes to Wis Stat. 46.2895(13). The current language cross-references 46.284(5)(e). It should have always referenced 46.284 (5)(d). This is an opportunity to clean-up the statute and is a technical change and would not impact the intent of the bill.

Could we make this change?

Thanks for your patience and work on this. Let me know if you have any questions.

Crystal L. Potts | Chief of Staff | Office of State Senator Howard Marklein,
17th Senate District | 608-266-0703 | <http://legis.wisconsin.gov/senate/17/marklein>





State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1866(3)
TJD:kjf&wlj *De4*

In: 219

*Due Today
ASAP*

**SENATE AMENDMENT,
TO SENATE BILL 687**

Insert 1-2

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 8, line 9: after that line insert:

3 “SECTION 14m. 600.01 (1) (b) 10. b. of the statutes, as affected by 2015
4 Wisconsin Act 90, is amended to read:

5 600.01 (1) (b) 10. b. The exemption under subd. 10. a. does not apply if the
6 services offered by the care management organization or a nonstock, nonprofit
7 corporation under ch. 181 created under s. 46.284 (4m) or 46.2895 (4) (q) include
8 hospital, physician or other acute health care services other than mental health and
9 alcohol and other drug abuse treatment services.”.

10 **2.** Page 8, line 10: delete lines 10 to 15.

11 (END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1875/4ins
TJD:...

1 INSERT 1-2

2 **1.** Page 8, line 8: delete “(5) (e)” and substitute “(5) (e) (d)”.

3 END INSERT 1-2