

CR 88-49

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

RECEIVED

JUL 15 1988
2:07 pm
Revisor of Statutes
Bureau

I, Timothy F. Cullen, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to denial or termination of provider certification under the Medical Assistance program were duly approved and adopted by this Department on July 14, 1988.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 14th day of July, 1988.



SEAL:

Timothy F. Cullen, Secretary
Department of Health and Social Services

9-1-88

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING, REPEALING AND RECREATING AND CREATING RULES

To amend s. HSS 106.06(28)(e) and (f); to repeal and recreate HSS 106.07(2); and to create HSS 106.06(28)(g), relating to denial or termination of medical assistance provider certification.

Analysis Prepared by the Department of Health and Social Services

These rules permit the Department to suspend, terminate or otherwise exclude specified health care providers from participating in the Wisconsin Medical Assistance (MA) program when directed by the Secretary of the U.S. Department of Health and Human Services (DHHS), acting pursuant to s. 1128 or 1128A of the Social Security Act of 1935, as amended, 42 USC 1320a-7, to do so. Public Law 100-93, the Medicare and Medicaid Patient and Program Protection Act of 1987, requires the DHHS Secretary to direct states to exclude persons and organizations convicted of patient abuse or neglect or of criminal offenses related to health care service delivery from participation in state Medicaid (Medical Assistance) programs.

Similar emergency rules have been in effect since February 19, 1988.

The Department's authority to amend, repeal and recreate, and create these rules is found in s.49.45(10), Stats. The rules interpret s. 49.45(2)(a)7, and 12, Stats.

SECTION 1. HSS 106.06(28)(e) and (f) are amended to read:

HSS 106.06(28)(e) Convicted of a criminal offense related to the provision of services or claiming of reimbursement for services under medicare or under this or any other state's medical assistance program. In this subsection, "convicted" means that a judgment of conviction has been entered by a federal, state or local court, irrespective of whether an appeal from the judgment is pending; ~~or~~

(f) Excluded, terminated, suspended or otherwise sanctioned by medicare or by this or any other state's medical assistance program; or

SECTION 2. HSS 106.06(28)(g) is created to read:

HSS 106.06(28)(g) Barred from participation in medicare by the federal department of health and human services, and the secretary of the federal

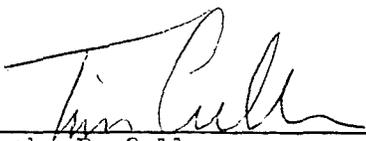
department of health and human services has directed the department to exclude the individual or entity from participating in the MA program under the authority of s. 1128 or 1128A of the social security act of 1935, as amended.

SECTION 3. HSS 106.07(2) is repealed and recreated to read:

HSS 106.07(2) FEDERAL EXCLUSIONS. Notwithstanding any other provision in this chapter, a party who is excluded from participation in the MA program under s. HSS 106.26(28)(e), (f) or (g) as the result of a directive from the secretary of the federal department of health and human services under the authority of s. 1128 or 1128A of the social security act of 1935, as amended, shall be excluded from participation in the MA program for the period of time specified by the secretary of that federal agency.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

By: 

Timothy F. Cullen
Secretary

Dated: July 14, 1988

Seal:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Timothy F. Cullen
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

July 14, 1988

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 106.06 and 106.07, administrative rules relating to denial or termination of provider certification under the Medical Assistance program.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

The Department expects that very few health care providers will be barred from participating in the Medical Assistance program at the direction of the DHHS Secretary, as permitted by the rule changes, and therefore the rule changes will not have a significant economic impact on a substantial number of small businesses.

Sincerely,

A handwritten signature in cursive script that reads 'Tim Cullen'.

Timothy F. Cullen
SECRETARY

Enclosure