

CR 89-125

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CERTIFICATE

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

I, Patricia A. Goodrich, 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 conditional release and convalescent leave of residents of institutions for mental diseases (IMDs) under the Medical Assistance program were duly approved and adopted by this Department on January 5, 1990.

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 5th day of January, 1990.

SEAL:

Patricia A. Goodrich
Patricia A. Goodrich, Secretary
Department of Health and Social Services

V 3-1-90

JAN 05 1990

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BureauORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING, RENUMBERING AND AMENDING RULES

To repeal HSS 101.03(33m); to renumber and amend HSS 101.03(30m); and to amend HSS 103.03(7) and 107.03(15), relating to conditional release and convalescent leave of residents of institutions for mental diseases (IMDs) under the Medical Assistance program.

Analysis Prepared by the Department of Health and Social Services

This order repeals the recently adopted definition of "convalescent leave" in ch. HSS 101 of the rules for the Medical Assistance program in response to a notification by the federal Health Care Financing Administration (HCFA) that federal financial participation is not available for inpatient hospital stays for residents of institutions for mental diseases (IMDs). "Convalescent leave" was defined as the inpatient admission of an IMD resident to a general hospital for treatment of a physical medical condition that could not be treated in the IMD. The term will no longer be used in that sense. It will still be used but to mean something different, namely, a resident's temporary release from an IMD for a trial period of residence in the community, which was previously called "conditional release." This has been agreed to by HCFA.

The Department's authority to adopt these rules is found in ss. 49.45(10), 49.46(2)(dm) and 49.47(6)(c)4, Stats. The rules interpret ss. 49.46(2)(dm) and 49.47(6)(c)4, Stats.

SECTION 1. HSS 101.03(30m) is renumbered 101.03(33m) and HSS 101.03(33m), as renumbered, is amended to read:

HSS 101.03(33m) "~~Conditional release~~" "Convalescent leave" means a resident's temporary release from an institution for mental diseases (IMD), not more frequently than once a year, for a trial period of residence in the community which lasts at least 4 days but not longer than 30 days beginning on the fourth day after release, or until the person is permanently discharged from the IMD, whichever occurs first.

SECTION 2. HSS 101.03(33m) is repealed.

SECTION 3. HSS 103.03(7) is amended to read:

HSS 103.03(7) NOT A PERSON RESIDING IN AN INSTITUTION FOR MENTAL DISEASES.
A person 21 to 64 years of age who resides in an institution for mental diseases (IMD) is not eligible for MA benefits, unless the person is 21 years of age, was a resident of the IMD immediately prior to turning 21 and has been continuously a resident of the IMD since then. An IMD resident 21 to 64 years of age may be eligible for MA benefits while on ~~conditional-release-or~~ convalescent leave from the IMD.


SECTION 4. HSS 107.03(15) is amended to read:

HSS 107.03(15) Expenditures for any service to an individual who is an inmate of a public institution or for any service to a person 21 to 64 years of age who is a resident of an institution for mental diseases (IMD), unless the person is 21 years of age, was a resident of the IMD immediately prior to turning 21 and has been continuously a resident since then, except that expenditures for a service to an individual on ~~conditional-release-or~~ convalescent leave from an IMD may be reimbursed by MA.

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

Date: January 5, 1990

By: 
Patricia A. Goodrich
Secretary

SEAL:



State of Wisconsin \

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

Tommy G. Thompson
Governor

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January 5, 1990

Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Mr. Bruce E. Munson
Revisor of Statutes
7th Floor - 30 on the Square
Madison, WI 53702

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 101.03, 103.03 & 107.03, administrative rules relating to conditional release and convalescent leave of residents of institutions for mental diseases (IMDs) under the Medical Assistance program.

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

These rules relate to the eligibility of residents of institutions for mental diseases (IMDs) for benefits under the Medical Assistance program. They will not directly impact on small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Patricia A. Goodrich
Secretary

Enclosure