



1995 SENATE BILL 140

April 12, 1995 - Introduced by Senators CLAUSING, BURKE, BRESKE, JAUCH and MOORE, cosponsored by Representatives BLACK, KRUSICK, ROBSON, PLACHE, R. YOUNG, TURNER, L. YOUNG, NOTESTEIN, BALDWIN, GROBSCHMIDT, SPRINGER, BOCK, OLSEN, GRONEMUS, RILEY, MURAT, LA FAVE, BALDUS and HASENOHRL. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to repeal** 49.496 (3) (a) 2.; and **to consolidate, renumber and amend**
2 49.496 (3) (a) (intro.) and 1. of the statutes; **relating to:** recovery of certain
3 medical assistance benefits from the estate of the recipient or his or her
4 surviving spouse.

Analysis by the Legislative Reference Bureau

1993 Wisconsin Act 437 makes a number of changes to state law regarding the recovery of medical assistance benefits from the estates of recipients and their spouses, effective April 1, 1995. Many of these changes were made in response to changes in federal law, which now requires that states seek adjustment or recovery from the estate of a medical assistance recipient for medical assistance nursing facility services, home and community-based services, and related hospital and prescription drug services or, at the option of the state, any items or services under the state's medical assistance plan.

Prior to the enactment of 1993 Wisconsin Act 437, the department of health and social services (DHSS) was authorized, subject to certain exemptions, to file a claim against the estate of a medical assistance recipient or against the estate of the surviving spouse of the recipient to recover the amount of medical assistance paid on behalf of the recipient while the recipient resided in a nursing home. 1993 Wisconsin Act 437 amended this provision to require DHSS to file this claim, subject to certain exceptions. It also expanded the range of services covered by the medical assistance estate recovery provisions to include certain home-based or community-based services, related hospital services and related prescription drug services. This bill prevents this expansion from taking effect, by repealing, on April 1, 1995, the language covering certain home-based or community-based services, related hospital services and related prescription drug services.

