



1997 ASSEMBLY BILL 836

February 25, 1998 - Introduced by Representative BLACK. Referred to Joint committee on Finance.

1 **AN ACT to amend** 20.435 (1) (b) and 20.435 (7) (bd); and **to create** 49.45 (6vm)
2 of the statutes; **relating to:** transfer of funds from the medical assistance
3 program to the long-term support community options program under certain
4 conditions and making appropriations.

Analysis by the Legislative Reference Bureau

This bill requires that the department of health and family services (DHFS) annually, by September 1, submit to the joint committee on finance (JCF) a report on nursing home bed utilization by medical assistance recipients for the immediate prior 2 consecutive fiscal years. If the report indicates a decrease in bed utilization in the most recently completed fiscal year from the previous fiscal year, DHFS must calculate, under a formula, the difference in costs between the 2 fiscal years for the provision of the care. If a positive amount is calculated, the DHFS report to JCF must also include a proposal to transfer the amount that is the state share of medical assistance of the amount of that difference from the general purpose revenue appropriation for medical assistance to the general purpose revenue appropriation for the long-term support community options program ("COP"). If within 14 working days after submission of the report JCF does not schedule a meeting to review the action, the secretary of health and family services must so transfer the funds. Of the amount transferred, 40% would be required to be expended under that part of "COP" that is funded solely from general purpose revenues, and 60% would be required to be expended under that part of "COP" that is funded from state general purpose revenues and federal medicaid moneys.

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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.** 20.435 (1) (b) of the statutes is amended to read:

2 20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in
3 the schedule to provide the state share of medical assistance program benefits
4 administered under s. 49.45, to provide medical assistance program benefits
5 administered under s. 49.45 that are not also provided under par. (o), to provide
6 health care coverage under s. 49.153 and to fund the pilot project under s. 46.27 (9)
7 and (10). Notwithstanding s. 20.002 (1), the department may transfer from this
8 appropriation to the appropriation under sub. (3) (kb) funds in the amount of and for
9 the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1),
10 the department may credit or deposit into this appropriation and may transfer
11 between fiscal years funds that it transfers from the appropriation under sub. (3) (kb)
12 for the purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the
13 department may transfer from this appropriation to the appropriation under sub. (7)
14 (bd) funds in the amount of and for the purposes specified in s. 49.45 (6vm).

15 **SECTION 2.** 20.435 (7) (bd) of the statutes is amended to read:

16 20.435 (7) (bd) *Community options program and long-term support pilot*
17 *projects.* The amounts in the schedule for assessments, case planning, services and
18 administration under s. 46.27 and for pilot projects for home and community-based
19 long-term support services under s. 46.271. Notwithstanding ss. 20.001 (3) (a) and
20 20.002 (1), the department may under this paragraph transfer moneys between
21 fiscal years. Except for moneys authorized for transfer under this appropriation or

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1 under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated
2 under s. 46.27 and are not spent or encumbered by counties by December 31 of each
3 year shall lapse to the general fund on the succeeding January 1 unless transferred
4 to the next calendar year by the joint committee on finance. Notwithstanding ss.
5 20.001 (3) (a) and 20.002 (1), the department may credit or deposit into this
6 appropriation funds that it transfers from the appropriation under sub. (1) (b) for the
7 purposes specified in s. 49.45 (6vm).

8 **SECTION 3.** 49.45 (6vm) of the statutes is created to read:

9 49.45 (6vm) TRANSFER OF FUNDS TO COMMUNITY OPTIONS PROGRAM. (a) In this
10 subsection, “facility” has the meaning given in sub. (6m) (a) 3.

11 (b) The department shall, by September 1 of each year, submit to the joint
12 committee on finance a report that provides information on the utilization of beds by
13 recipients of medical assistance in facilities for the immediate prior 2 consecutive
14 fiscal years.

15 (c) If the report specified in par. (b) indicates that utilization of beds by
16 recipients of medical assistance in facilities decreased during the most recently
17 completed fiscal year from the utilization of beds by recipients of medical assistance
18 in facilities in the next most recently completed fiscal year, the department shall
19 multiply the difference between the number of days of care provided to the recipients
20 in the facilities in each of those prior 2 consecutive fiscal years by the average daily
21 costs of care in the facilities for the most recently completed fiscal year. The average
22 daily costs of care shall be calculated by dividing the total of medical assistance
23 expenditures for care in facilities for the most recently completed fiscal year by the
24 total number of days of care provided in facilities in that fiscal year.

