



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2501/1
TJD:skw

2021 ASSEMBLY BILL 528

September 8, 2021 - Introduced by Representatives BRANDTJEN, ALLEN, BROOKS, CABRAL-GUEVARA, CALLAHAN, EDMING, GUNDRUM, HORLACHER, MURPHY, RAMTHUN, ROZAR, SANFELIPPO, SCHRAA, SKOWRONSKI, STEFFEN, THIESFELDT, TITTL and WICHGERS, cosponsored by Senators JACQUE and BERNIER. Referred to Committee on Health.

1 **AN ACT** *to amend* 49.45 (2) (a) 11. a.; and *to create* 49.45 (2) (c) of the statutes;
2 **relating to:** certification of abortion providers under the Medical Assistance
3 program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Health Services from certifying as a provider for Medical Assistance a person that provides abortion services or is an affiliate of a person that provides abortion services and also is either 1) a nonprofit private entity that has received at any time or has applied for a grant or contract for a family planning project under federal law or 2) an affiliate of a nonprofit private entity whose affiliates have received federal grants or contracts for family planning projects. The bill also requires DHS to decertify from the Medical Assistance program those providers that meet the same criteria. Generally, under current law, DHS establishes criteria for certifying providers to provide services under and receive reimbursement from the Medical Assistance program and then certifies those providers. The Medical Assistance program is a joint federal and state program administered by DHS that provides health services to individuals who have limited financial resources.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 528**SECTION 1**

1 **SECTION 1.** 49.45 (2) (a) 11. a. of the statutes is amended to read:

2 49.45 (2) (a) 11. a. Establish criteria for certification of providers of medical
3 assistance and, except as provided in ~~par. pars.~~ (b) 6m. and (c) and s. 49.48, and
4 subject to par. (b) 7. and 8., certify providers who meet the criteria.

5 **SECTION 2.** 49.45 (2) (c) of the statutes is created to read:

6 49.45 (2) (c) 1. In this paragraph, “abortion” has the meaning given in s. 253.10
7 (2) (a).

8 2. The department may not certify as a provider under the Medical Assistance
9 program a person that satisfies all of the following:

10 a. The person provides abortion services or is an affiliate of a person that
11 provides abortion services.

12 b. The person is a nonprofit private entity that has received at any time or has
13 applied for a grant or contract under 42 USC 300 or is affiliated with a nonprofit
14 private entity with affiliates that have received grants or contracts under 42 USC
15 300.

16 **SECTION 3. Nonstatutory provisions.**

17 (1) DECERTIFICATION OF ABORTION PROVIDERS.

18 (a) In this subsection, “abortion” has the meaning given in s. 253.10 (2) (a).

19 (b) By July 1, 2022, the department of health services shall decertify as a
20 provider under the Medical Assistance program any person that satisfies all of the
21 following:

22 1. The person provides abortion services or is an affiliate of a person that
23 provides abortion services.

24 2. The person is a nonprofit private entity that has received at any time or has
25 applied for a grant or contract under 42 USC 300 or is affiliated with a nonprofit

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1 private entity with affiliates that have received grants or contracts under 42 USC
2 300.

3 (c) If the department of health services determines that it needs to request a
4 waiver of federal law or a state plan amendment or obtain other federal approval to
5 implement par. (b) and s. 49.45 (2) (c), the department of health services shall submit
6 the request or seek to obtain federal approval to implement par. (b) and s. 49.45 (2)
7 (c).

8 (END)