



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1989/1  
TJD:skw

## 2021 SENATE BILL 134

February 24, 2021 - Introduced by Senators BEWLEY, AGARD, CARPENTER, ERPENBACH, JOHNSON, LARSON, PFAFF, RINGHAND, ROYS, SMITH and WIRCH, cosponsored by Representatives HINTZ, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

- 1     **AN ACT relating to:** Medical Assistance payments for outpatient services  
2             provided by hospitals.

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***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Health Services to provide reimbursement or a supplemental payment through the Medical Assistance program to a hospital for services provided on an outpatient basis that are usually reimbursed when provided at the hospital's inpatient facility but are provided at the hospital's outpatient facility due to the 2019 novel coronavirus pandemic. To receive reimbursement or supplemental payment under the bill, the outpatient services must be approved for federal financial participation and must be provided in a facility that is operated by the hospital and is certified for outpatient services under the federal Medicare program, including under the terms of a federal waiver issued during the federally declared national emergency related to the 2019 novel coronavirus. DHS must seek any federal approval necessary to provide the reimbursement or supplemental payment. The payment requirement applies until the conclusion of a public health emergency declared by the secretary of the federal Department of Health and Human Services in response to the 2019 novel coronavirus or until June 30, 2021, whichever is earlier.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

**SENATE BILL 134****SECTION 1****1 SECTION 1. Nonstatutory provisions.**

2 (1) PAYMENT FOR OUTPATIENT SERVICES PROVIDED BY HOSPITALS.

3 (a) Until the conclusion of a public health emergency declared under 42 USC  
4 247d by the secretary of the federal department of health and human services in  
5 response to the 2019 novel coronavirus or until June 30, 2021, whichever is earlier,  
6 the department of health services shall provide reimbursement or a supplemental  
7 payment under the Medical Assistance program to a hospital for providing any  
8 outpatient service when all of the following criteria are satisfied:

9 1. The facility at which the outpatient service is performed is operated by the  
10 hospital and certified under the Medicare program under 42 USC 1395 et seq.,  
11 including under the terms of a federal waiver approved under section 1135 of the  
12 federal social security act, for outpatient services.

13 2. The outpatient service is reimbursable when provided in the hospital's  
14 inpatient facility but is not provided at the inpatient facility due to reasons  
15 associated with the 2019 novel coronavirus pandemic.

16 3. The outpatient service is one for which federal financial participation is  
17 approved.

18 (b) The department of health services may not include in a reimbursement  
19 under par. (a) payments under s. 49.45 (3) (e) 11. or 12. or (59).

20 (c) The department of health services shall seek any approval from the federal  
21 department of health and human services that is necessary to provide the  
22 reimbursement or a supplemental payment in accordance with this subsection.

23 (END)