

State of Wisconsin



1995 Assembly Bill 1080

Date of enactment: **June 27, 1996**
Date of publication*: **June 28, 1996**

1995 WISCONSIN ACT 457

AN ACT to *repeal* 49.45 (8f); and to *amend* 49.45 (8e) (a), 49.45 (8m) (intro.), 49.46 (2) (a) 4. d. and 49.46 (2) (b) 6. j. of the statutes; **relating to**: eliminating limitations on reimbursement of providers of home health, personal care and private-duty nursing services under the medical assistance program and reducing limitations on the provision of home health, personal care and private-duty nursing services under the medical assistance program.

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

SECTION 1g. 49.45 (8e) (a) of the statutes, as created by [1995 Wisconsin Act 27](#), is amended to read:

49.45 (8e) (a) Except as provided in par. (b), reimbursement under s. 20.435 (1) (b) and (o) for home health, personal care and private-duty nursing services provided to a medical assistance recipient in a month may not exceed 120% of the average monthly cost of nursing home care, as determined by the department.

SECTION 1m. 49.45 (8f) of the statutes, as created by [1995 Wisconsin Act 27](#), is repealed.

SECTION 2. 49.45 (8m) (intro.) of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

49.45 (8m) RATES FOR RESPIRATORY CARE SERVICES. (intro.) Notwithstanding the limits under subs. (8); and

(8e) ~~and (8f)~~, the rates under sub. (8) and rates charged by providers under s. 49.46 (2) (a) 4. d. that are not home health agencies, for reimbursement for respiratory care services for ventilator-dependent individuals under ss. 49.46 (2) (b) 6. m. and 49.47 (6) (a) 1., shall be as follows:

SECTION 3. 49.46 (2) (a) 4. d. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

49.46 (2) (a) 4. d. Home health services, subject to the limitations under s. 49.45 (8); and (8e) ~~and (8f)~~, or, if a home health agency is unavailable, nursing services, subject to the limitations under s. 49.45 (8e) ~~and (8f)~~.

SECTION 4. 49.46 (2) (b) 6. j. of the statutes, as affected by [1995 Wisconsin Act 27](#), is amended to read:

49.46 (2) (b) 6. j. Personal care services, subject to the limitations under s. 49.45 (8e), ~~(8f)~~ and (42).

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].