

1999 DRAFTING REQUEST

Bill

Received: **01/27/2000**

Received By: **isagerro**

Wanted: As **time permits**

Identical to LRB:

For: **Antonio Riley (608) 266-0645**

By/Representing: **Himself**

This file may be shown to any legislator: NO

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - med. assist.**

Extra Copies: **DAK**

Pre Topic:

No specific pre topic given

Topic:

Eliminate asset test for MA

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaired</u>
/1	isagerro 02/03/2000	wjackson 02/04/2000	martykr 02/07/2000	_____	lrb_docadmin 02/07/2000	lrb_docadminState 02/23/2000	

FE Sent For: **3₁15/00**

<END>

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/?	isagerro	11 WLj 2/4	2/4	2/4			

FE Sent For:

<END>

DAK
2



State Representative Antonio R. Riley
1 8th Assembly District

TO: LRB Drafting Attorneys
FROM: State Representative Antonio R. Riley
DATE: January 26, 2000
RE: Drafting Request for eliminating the MA asset test

A handwritten signature in black ink, appearing to read 'ARR' followed by a large, stylized flourish.

M e m o r a n d u m

During the 1999-2001 Budget process, I authored a motion that would eliminate the asset test for Medicaid Assistance.

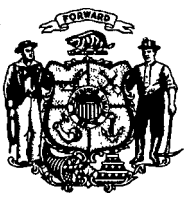
Regrettably, the Governor vetoed this motion in the final version of 1999 Wisconsin Act 9. I am still very interested in getting this important legislation simplifying MA enrollment enacted into law. To that end, I am requesting draft legislation that would eliminate the asset test as part of the state's protocol of determining MA eligibility.

This legislation should incorporate sections 1433t thru 1433u, 1437m thru 1437q, 1439g and 1439q of 1999 Wisconsin Act 9. Sections, as mentioned before, that were vetoed by the governor.

Due that the Assembly's schedule of floor sessions ends by May, I would like this legislation drafted very quickly.

Thank you for your attention in this matter.

Antonio R. Riley
State Representative
1 8th Assembly District



ISR: /:;...
WLI
[Signature]

1999 BILL

*By Mem. 2/7/99
in 2/3/99*

re-gen cat

1 **AN ACT!**; relating to: eliminating the asset requirements for medical assistance
2 eligibility for certain individuals.

Analysis by the Legislative Reference Bureau

Under current law, a child or pregnant woman is eligible for medical assistance (MA) if he or she meets certain income and asset requirements. Currently, a child or pregnant woman who would have been eligible to receive benefits under the former aid to families with dependent children (AFDC) program is eligible for MA if his or her assets do not exceed one automobile with an equity value of \$1,500 and \$1,000 in cash assets. A child under the age of six or a pregnant woman whose income does not exceed 185% of the federal poverty level or a child who is between the ages of six and 19 years of age and whose income does not exceed 133.33% of the maximum payment amount under the former AFDC program is eligible for MA if his or her assets do not exceed one home, one automobile and \$2,000 in cash assets for a single individual, \$3,000 in cash assets for a family of two plus \$300 for each additional dependent family member.

This bill eliminates the asset requirements for MA eligibility for children under age 19 and pregnant women.

BILL

For further information see the **state** 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 → Inserts 2-1, ~~2-1A~~, 2-1B, 2-1C
(END)

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SECTION 1427i. 49.45 (39) (b) of the statutes is amended to read:

49.45 (39) (b) Payment for school medical services. If a school district or a cooperative educational service agency elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the school district or the cooperative educational service agency for 60% of the federal share of allowable charges for the school medical services that it provides and for allowable administrative costs. If the Wisconsin School for the Visually Handicapped or the Wisconsin School for the Deaf elects to provide school medical services and meets all requirements under par. (c), the department shall reimburse the department of public instruction for 60% of the federal share of allowable charges for the school medical services that the Wisconsin School for the Visually Handicapped or the Wisconsin School for the Deaf provides and for allowable administrative costs. The department shall promulgate rules establishing a methodology for making reimbursements under this paragraph. All other expenses for the school medical services provided by a school district or a cooperative educational service agency shall be paid for by the school district or the cooperative educational service agency with funds received from state or local taxes. The school district, the Wisconsin School for the Visually Handicapped, the Wisconsin School for the Deaf or the cooperative educational service agency shall comply with all requirements of the federal department of health and human services for receiving federal financial participation.”.

Insert
Z

6. Page 738, line 20: after that line insert:


~~SECTION 1453t.~~ 49.46 (1) (a) 1m. of the statutes is amended to read:



Insert
2

1 **49.46 (1)** (a) 1m. Any pregnant woman who meets the ~~resource and~~ income
2 limits under s. 49.19 (4) ~~(bm) and~~ (es) and whose pregnancy is medically verified.
3 Eligibility continues to the last day of the month in which the 60th day after the last
4 day of the pregnancy falls.

Insert
2-B

5 ~~SECTION 1433u.~~ **SECTION 49.46 (1)** (a) 12. of the statutes is amended to read:
6 **49.46 (1)** (a) 12. Any child not described under subd. 1. who is under 19 years
7 of age and who meets the ~~resource and~~ income limits under s. 49.19 (4) (es). 

8 **7.** Page 739, line 3: after that line insert:

9 **"SECTION 1434t.** 49.46 (2) (b) 1. (intro.) of the statutes is amended to read:

10 49.46 (2) (b) 1. (intro.) Dentists' services, which, except as nrovided in s. 49.45
11 (24g), and except for dentists' services provided wursuant to a federal waiver to
12 individuals who have attained the ape of 65, shall be wrovided on a fee-for-service
13 basis and limited to basic services within each of the following categories:".

14 8. Page 753, line 14: delete that line and substitute:

15 "49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
16 establish a".

17 **9.** Page 753, line 18: after that line insert:

18 "b. The department may not lower the maximum income level for initial
19 eligibility unless the department first submits to the joint committee on finance its
20 plans for lowering the maximum income level and the committee approves the plan.
21 If, within 14 days after submitting the plan to the joint committee on finance, the
22 cochairpersons of the committee do not notify the secretary that the committee has
23 scheduled a meeting for the purpose of reviewing the plan, the plan is considered
24 approved by the committee."

Inserts 2-1A
2-1C

LFB:..... Goldman - Technical change to MA medically indigent

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

Insert 2-1A

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 722, line 10: after that line insert:

3 ~~SECTION 1433m.~~ 49.46 (1) (a) 6. of the statutes is amended to read:

4 49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who ~~is~~, without regard

5 to the individual's resources, would be considered, under federal law, to be receiving

6 aid to families with dependent children for the purpose of determining eligibility for

7 medical assistance." ~~2~~

8 2. Page 723, line 20: after that line insert:

9 ~~SECTION 1437m.~~ 49.47 (4) (a) 1. of the statutes is amended to read:

Insert 2-1C

Insert 2-1/2 (mt)

1 49.47 (4) (a) 1. ~~Under 18~~ At least 19 years of age but under 21 years of age ~~or,~~
2 if and the person resides in an intermediate care facility, skilled nursing facility or
3 inpatient psychiatric hospital, ~~under 21 years of age.~~

4 ~~SECTION 1437n.~~ 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

5 ~~SECTION 1437p.~~ 49.47 (4) (ag) (intro.) of the statutes is created to read:

6 49.47 (4) (ag) (intro.) Any individual who meets the limitations on income
7 under par. (c) and who complies with par. (cm) shall be eligible for medical assistance
8 under this section if such individual is:

9 ~~SECTION 1437q.~~ 49.47 (4) (ag) 1. of the statutes is created to read:

10 49.47 (4) (ag) 1. Under the age of 19. *92*

11 ~~3.~~ Page 724, line 5, after that line insert.

12 ~~SECTION 1439m.~~ 49.47 (4) (b) 2m. a. of the statutes is amended to read:

13 49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. ~~or 2.~~, one
14 vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from
15 consideration as an asset only if the department determines that it is necessary for
16 the purpose of employment or to obtain medical care. The equity value of any
17 nonexempt vehicles owned by the applicant is an asset for the purposes of
18 determining eligibility for medical assistance under this section.

19 ~~SECTION 1439q.~~ 49.47 (6) (a) 7. of the statutes is amended to read:

20 49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) ~~(a) 2.~~ (ag) 2. or (am) 1., for
21 services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including
22 postpartum services and family planning services, as defined in s. 253.07 (1) (b), or
23 related to other conditions which may complicate pregnancy. *92*

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/07/2000

To: Representative Riley

Relating to LRB drafting number: LRB-4416

Topic

Eliminate asset test for MA

Subject(s)

Public Assistance - med. assist.



1. **JACKET** the draft for introduction _____

in the Senate or the Assembly ✓

(check only one). Only the requester under whose name the

drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**, See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government-fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Ivy G. Sager-Rosenthal, Legislative Attorney
Telephone: (608) 261-4455

