



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0028/2  
DAK:kmg:jf

(SOON)  
D-NOTE

DOA:.....Jablonsky - Public health and health care financing appropriation changes  
FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

only change  
p. 6

1 AN ACT <sup>Don't  
Gen. Exp.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**HEALTH**

Under current law, the appropriation accounts for expenditure of moneys by the department of health and family services (DHFS) are specified for several categories, including state operations and aids and local assistance for health services planning, regulation and delivery.

This bill reclassifies current categories of appropriation accounts for DHFS for health services planning, regulation and delivery into categories of health care financing and public health state operations and aids and local assistance.

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:*

2 SECTION 1. 16.0095 of the statutes is amended to read:

3 **16.0095 Medicare upper limit consultant.** The department shall hire a  
4 consultant, to be paid from the appropriation under s. 20.435 (1) (4) (bm), to

1 determine and recommend to the the department of health and family services the  
2 aggregate payments that should be made for inpatient nursing home services under  
3 medical assistance under subch. IV of ch. 49 such that the aggregate payments will  
4 not exceed the amount that is estimated to be the amount that would have been paid  
5 under the federal medicare program's payment principles. The consultant's  
6 recommendations to the department of health and family services shall be  
7 nonbinding.

8 **SECTION 2.** 20.435 (1) (title) of the statutes is amended to read:

9 20.435 (1) (title) HEALTH PUBLIC HEALTH SERVICES PLANNING, REGULATION AND  
10 DELIVERY; STATE OPERATIONS.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 3.** 20.435 (1) (a) of the statutes is amended to read:

12 20.435 (1) (a) *General program operations.* The amounts in the schedule for  
13 general program operations, including public health services regulation,  
14 administration and field services.

15 **SECTION 4.** 20.435 (1) (bm) of the statutes is renumbered 20.435 (4) (bm) and  
16 amended to read:

17 20.435 (4) (bm) *Medical assistance administration.* Biennially, the amounts  
18 in the schedule to provide the state share of administrative contract costs for the  
19 medical assistance program under ss. 49.45 and 49.665, to reimburse insurers for  
20 their costs under s. 49.475 and for costs associated with outreach activities. No state  
21 positions may be funded in the department of health and family services from this  
22 appropriation, except positions for the performance of duties under a contract in  
23 effect before January 1, 1987, related to the administration of the medical assistance

1 program between the subunit of the department primarily responsible for  
2 administering the medical assistance program and another subunit of the  
3 department. Total administrative funding authorized for the program under s.  
4 49.665 may not exceed 10% of the amounts budgeted under sub. (5) pars. (bc) and (p)  
5 (pa).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 5.** 20.435 (1) (gm) of the statutes is amended to read:

7 20.435 (1) (gm) Licensing, review and certifying activities; fees; supplies and  
8 services. The amounts in the schedule for the purposes specified in ss. 146.50 (8),  
9 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to  
10 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) and ch. 150, for the purchase  
11 and distribution of medical supplies and to analyze and provide data under s. 250.04.  
12 All moneys received under ss. 146.50 (8) (d), ~~150.13~~ 250.04 (3m), 250.05 (6), 252.23  
13 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.20 (5) and (8), 254.31 to  
14 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) (b) and as reimbursement for  
15 medical supplies shall be credited to this appropriation account. ~~From the fees~~  
16 ~~collected under s. 50.135 (2), \$444,700 in fiscal year 1997-98 and \$451,600 in fiscal~~  
17 ~~year 1998-99 shall be credited to this appropriation account.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This SECTION supersedes the treatment of s. 20.435 (1) (gm) in 1999 LRB-0027/1 (the "appropriation streamlining" draft); if both this draft and LRB-0027 are included in the budget bill, the treatment of s. 20.435 (1) (gm) in LRB-0027 should be eliminated.

18 **SECTION 6.** 20.435 (1) (gp) of the statutes is renumbered 20.435 (4) (gp).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 7.** 20.435 (1) (hg) of the statutes is renumbered 20.435 (4) (hg).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 8.** 20.435 (1) (hi) of the statutes is renumbered 20.435 (4) (hi).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 9.** 20.435 (1) (in) of the statutes is renumbered 20.435 (4) (in).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 10.** 20.435 (1) (p) of the statutes is renumbered 20.435 (4) (p).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 11.** 20.435 (1) (u) of the statutes is renumbered 20.435 (4) (u).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 12.** 20.435 (4) (title) of the statutes is created to read:

6       20.435 (4) (title) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH

7       CARE FINANCING.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 13.** 20.435 (4) (a) of the statutes is created to read:

9       20.435 (4) (a) *General program operations.* The amounts in the schedule for  
10       general program operations, including health care financing regulation,  
11       administration and field services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12       **SECTION 14.** 20.435 (4) (e) of the statutes is created to read:

13       20.435 (4) (e) *Disease aids.* Biennially, the amounts in the schedule for  
14       assisting victims of diseases, as provided in ss. 49.68, 49.683 and 49.685, as  
15       distributed by the department.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16       **SECTION 15.** 20.435 (4) (gm) of the statutes is created to read:

1           20.435 (4) (gm) *Health services regulation and vital statistics*. The amounts in  
2 the schedule for the purposes specified in chs. 69 and 150. All moneys received under  
3 ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees  
4 collected under s. 50.135 (2), \$444,700 in fiscal year 1999–00 and \$451,600 in fiscal  
5 year 2000–01 shall be credited to this appropriation account.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 16.** 20.435 (4) (i) of the statutes is created to read:

7           20.435 (4) (i) *Gifts and grants; health care financing*. All moneys received from  
8 gifts, grants, bequests and trust funds to provide health care financing consistent  
9 with the purpose of the gift, grant, bequest or trust fund.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 17.** 20.435 (4) (kx) of the statutes is created to read:

11          20.435 (4) (kx) *Interagency and intra-agency programs*. All moneys received  
12 from other state agencies and all moneys received by the department from the  
13 department for the administration of programs or projects, for the purposes for which  
14 received.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 18.** 20.435 (4) (ky) of the statutes is created to read:

16          20.435 (4) (ky) *Interagency and intra-agency aids*. All moneys received from  
17 other state agencies and all moneys received by the department from the department  
18 for aids to individuals and organizations, for the purpose of providing those aids.

      \*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 19.** 20.435 (4) (kz) of the statutes is created to read:

1           20.435 (4) (kz) *Interagency and intra-agency local assistance.* All moneys  
2 received from other state agencies and all moneys received by the department from  
3 the department for local assistance, for the purpose of providing that assistance.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 20.** 20.435 (4) (m) of the statutes is created to read:

5           20.435 (4) (m) *Federal project operations.* All moneys received from the federal  
6 government or any of its agencies for the state administration of specific limited term  
7 projects, to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 21.** 20.435 (4) (ma) of the statutes is created to read:

9           20.435 (4) (ma) *Federal project aids.* All moneys received from the federal  
10 government or any of its agencies for specific limited term projects of aids to  
11 individuals or organizations, to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 22.** 20.435 (4) (md) of the statutes is created to read:

13          20.435 (4) (md) *Federal block grant aids.* All block grant moneys received from  
14 the federal government or any of its agencies to be expended as aids to individuals  
15 or organizations.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16          **SECTION 23.** 20.435 (4) (n) of the statutes is created to read:

17          20.435 (4) (n) *Federal program operations.* All moneys received from the  
18 federal government or any of its agencies for the state administration of continuing  
19 programs, to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

other than for specific limited term projects and continuing programs, to be expended for the purposes specified

1           **SECTION 24.** 20.435 (4) (na) of the statutes is created to read:

2           20.435 (4) (na) *Federal program aids.* All moneys received from the federal  
3 government or any of its agencies for continuing programs of aids to individuals or  
4 organizations, to be expended for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 25.** 20.435 (5) (title) of the statutes is amended to read:

6           20.435 (5) (title) ~~HEALTH~~ PUBLIC HEALTH SERVICES PLANNING, REGULATION AND  
7 DELIVERY; AIDS AND LOCAL ASSISTANCE.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 26.** 20.435 (5) (af) of the statutes is renumbered 20.435 (4) (af).

<sup>27</sup>\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 27.** 20.435 (5) (ah) of the statutes is renumbered 20.435 (4) (ah).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 28.** 20.435 (5) (b) of the statutes is renumbered 20.435 (4) (b).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 29.** 20.435 (5) (bc) of the statutes is renumbered 20.435 (4) (bc).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 30.** 20.435 (5) (bs) of the statutes is renumbered 20.435 (4) (bs).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 31.** 20.435 (5) (d) of the statutes is renumbered 20.435 (4) (d).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 32.** 20.435 (5) (e) of the statutes is amended to read:

1           20.435 (5) (e) *Disease aids*. Biennially, the amounts in the schedule for  
2 assisting victims of diseases, as provided in ss. ~~49.68, 49.683, 49.685~~, 58.06, 252.08  
3 (4) and (5) and 252.10 (6) and (7), as ~~allocated~~ distributed by the department.

4           **SECTION 33.** 20.435 (5) (gh) of the statutes is renumbered 20.435 (4) (gh).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 34.** 20.435 (5) (im) of the statutes is renumbered 20.435 (4) (im).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 35.** 20.435 (5) (jz) of the statutes is renumbered 20.435 (4) (jz).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 36.** 20.435 (5) (o) of the statutes is renumbered 20.435 (4) (o).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 37.** 20.435 (5) (p) of the statutes is renumbered 20.435 (4) (pa).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 38.** 20.435 (6) (jm) of the statutes is amended to read:

10           20.435 (6) (jm) *Licensing and support services*. The amounts in the schedule  
11 for the purposes specified in ss. 50.02 (2), 50.025, 50.13, 50.135, 50.36 (2), 50.49 (2)  
12 (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50 and to conduct  
13 health facilities plan and rule development activities, for accrediting nursing homes,  
14 convalescent homes and homes for the aged, to conduct capital construction and  
15 remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and for the costs of  
16 inspecting, licensing and approving facilities, issuing permits and providing  
17 technical assistance that are not specified under any other paragraph in this  
18 subsection. All moneys received under ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.49  
19 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from



1 fees for the costs of inspecting, licensing and approving facilities, issuing permits and  
2 providing technical assistance that are not specified under any other paragraph in  
3 this subsection, and all moneys received under 50.135 (2), less the amounts credited  
4 to the appropriation account under sub. ~~(1)~~ (4) (gm), shall be credited to this  
5 appropriation account.

6 **SECTION 39.** 20.435 (7) (bd) of the statutes is amended to read:

7 20.435 (7) (bd) *Community options program and long-term support pilot*  
8 *projects.* The amounts in the schedule for assessments, case planning, services and  
9 administration under s. 46.27 and for pilot projects under s. 46.271 (1), and the  
10 amounts carried forward under 1997 Wisconsin Act 27, section 9123 (2), for the pilot  
11 project under s. 46.271 (2m). If the department transfers funds to this appropriation  
12 from the appropriation account under sub. ~~(5)~~ (4) (b), the amounts in the schedule  
13 for the fiscal year for which the transfer is made are increased by the amount of the  
14 transfer for the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3)  
15 (a) and 20.002 (1), the department may under this paragraph transfer moneys  
16 between fiscal years. Except for moneys authorized for transfer under this  
17 appropriation, under s. 46.27 (7) (fm) or (g) or under 1997 Wisconsin Act 27, section  
18 9123 (2), all moneys under this appropriation that are allocated under s. 46.27 and  
19 are not spent or encumbered by counties or by the department by December 31 of  
20 each year shall lapse to the general fund on the succeeding January 1 unless  
21 transferred to the next calendar year by the joint committee on finance.

22 **SECTION 40.** 20.435 (7) (im) of the statutes is amended to read:

23 20.435 (7) (im) *Community options program; recovery of costs of care.* From the  
24 moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035,  
25 all moneys not appropriated under sub. ~~(1)~~ (4) (in), for payments to county

1 departments and aging units under s. 46.27 (7g) (d), payment of claims under s.  
2 867.035 (3) and payments for long-term community support services funded under  
3 s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).

4 **SECTION 41.** 20.435 (7) (kb) of the statutes is amended to read:

5 20.435 (7) (kb) *Severely emotionally disturbed children.* As a continuing  
6 appropriation, all moneys transferred from the appropriation under sub. ~~(5)~~ (4) (b)  
7 to this appropriation to provide, under s. 46.485, mental health care and treatment  
8 and community-based mental health services for severely emotionally disturbed  
9 children. Notwithstanding s. 20.002 (1), the department of health and family  
10 services may transfer from this appropriation to the appropriation under sub. ~~(5)~~ (4)  
11 (b) funds as specified in s. 46.485 (3r).

12 **SECTION 42.** 46.27 (9) (a) of the statutes is amended to read:

13 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
14 participate in a pilot project under which they will receive certain funds allocated for  
15 long-term care. The department shall allocate a level of funds to these counties  
16 equal to the amount that would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) to nursing  
17 homes for providing care because of increased utilization of nursing home services,  
18 as estimated by the department. In estimating these levels, the department shall  
19 exclude any increased utilization of services provided by state centers for the  
20 developmentally disabled. The department shall calculate these amounts on a  
21 calendar year basis under sub. (10).

22 **SECTION 43.** 46.27 (10) (a) 1. of the statutes is amended to read:

23 46.27 (10) (a) 1. The department shall determine for each county participating  
24 in the pilot project under sub. (9) a funding level of state medical assistance  
25 expenditures to be received by the county. This level shall equal the amount that the

1 department determines would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) because  
2 of increased utilization of nursing home services, as estimated by the department.

3 **SECTION 44.** 46.27 (11) (c) 3. of the statutes is amended to read:

4 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a  
5 private nonprofit agency or an aging unit with which the department contracts  
6 provides under this subsection shall be made from the appropriations under s. 20.435  
7 ~~(5)~~ (4) (o) and (7) (b) and (bd).

8 **SECTION 45.** 46.27 (11) (c) 4. of the statutes is amended to read:

9 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435  
10 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by  
11 counties that are in excess of the current average annual per person rate, as  
12 established by the department, and are less than or equal to the average amount  
13 approved in the waiver received under par. (am).

14 **SECTION 46.** 46.275 (5) (a) of the statutes is amended to read:

15 46.275 (5) (a) Medical assistance reimbursement for services a county, or the  
16 department under sub. (3r), provides under this program is available from the  
17 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract  
18 to provide services under this program and the department approves the contract,  
19 medical assistance reimbursement is also available for services provided jointly by  
20 these counties.

21 **SECTION 47.** 46.275 (5) (c) of the statutes is amended to read:

22 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties  
23 and to the department under sub. (3r) for services provided under this section may  
24 not exceed the amount approved by the federal department of health and human  
25 services. A county may use funds received under this section only to provide services

1 to persons who meet the requirements under sub. (4) and may not use unexpended  
2 funds received under this section to serve other developmentally disabled persons  
3 residing in the county.

4 **SECTION 48.** 46.275 (5) (d) of the statutes is amended to read:

5 46.275 (5) (d) The department may, from the appropriation under s. 20.435 (5)  
6 (4) (o), provide reimbursement for services provided under this section by counties  
7 that are in excess of the current average annual per person rate, as established by  
8 the department, and are less than the average amount approved in the waiver  
9 received under sub. (2).

10 **SECTION 49.** 46.278 (6) (d) of the statutes is amended to read:

11 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
12 share of service costs under the waiver received under sub. (3), the department may,  
13 from the appropriation under s. 20.435 (5) (4) (o), provide reimbursement for services  
14 that the county provides under this section to persons who are in addition to those  
15 who may be served under this section with funds from the appropriation under s.  
16 20.435 (5) (4) (b).

17 **SECTION 50.** 46.485 (2g) (intro.) of the statutes is amended to read:

18 46.485 (2g) (intro.) From the appropriation under s. 20.435 (5) (4) (b), the  
19 department may in each fiscal year transfer funds to the appropriation under s.  
20 20.435 (7) (kb) for distribution under this section and from the appropriation under  
21 s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each  
22 fiscal year to applying counties in this state that meet all of the following  
23 requirements, as determined by the department:

24 **SECTION 51.** 46.485 (3r) of the statutes is amended to read:

1           46.485 **(3r)** Funds that a county does not encumber before 24 months after  
2 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse  
3 to the appropriation under s. 20.435 ~~(5)~~ (4) (b).

4           **SECTION 52.** 49.029 (2) of the statutes is amended to read:

5           49.029 **(2)** AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the  
6 appropriation under s. 20.435 ~~(5)~~ (4) (bs), the department shall distribute a relief  
7 block grant to each eligible tribal governing body in an amount and in a manner  
8 determined in accordance with rules promulgated by the department. The  
9 department shall promulgate the rules after consulting with all tribal governing  
10 bodies eligible for a relief block grant. In promulgating rules under this section, the  
11 department shall consider each tribe's economic circumstances and need for health  
12 care services.

13           **SECTION 53.** 49.45 (2) (a) 4. of the statutes is amended to read:

14           49.45 **(2)** (a) 4. To the extent funds are available under s. 20.435 ~~(1)~~ (4) (bm),  
15 certify all proper charges and claims for administrative services to the department  
16 of administration for payment and the department of administration shall draw its  
17 warrant forthwith.

18           **SECTION 54.** 49.45 (2) (a) 17. of the statutes is amended to read:

19           49.45 **(2)** (a) 17. Notify the governor, the joint committee on legislative  
20 organization, the joint committee on finance and appropriate standing committees,  
21 as determined by the presiding officer of each house, if the appropriation under s.  
22 20.435 ~~(5)~~ (4) (b) is insufficient to provide the state share of medical assistance.

23           **SECTION 55.** 49.45 (3) (am) 1. of the statutes is amended to read:

24           49.45 **(3)** (am) 1. From the appropriation under s. 20.435 ~~(1)~~ (4) (bm), the  
25 department shall make incentive payments to counties to encourage counties to

1 identify medical assistance applicants and recipients who have other health care  
2 coverage and the providers of the health care coverage and give that information to  
3 the department.

4 **SECTION 56.** 49.45 (3) (j) of the statutes is amended to read:

5 49.45 (3) (j) Reimbursement for administrative contract costs under this  
6 section is limited to the funds available under s. 20.435 ~~(1)~~ (4) (bm).

7 **SECTION 57.** 49.45 (5m) (a) of the statutes is amended to read:

8 49.45 (5m) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
9 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$2,256,000  
10 in each fiscal year, to provide supplemental funds to rural hospitals that, as  
11 determined by the department, have high utilization of inpatient services by  
12 patients whose care is provided from governmental sources, except that the  
13 department may not distribute funds to a rural hospital to the extent that the  
14 distribution would exceed any limitation under 42 USC 1396b (i) (3).

15 **SECTION 58.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

16 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
17 subsection made under s. 20.435 ~~(1)~~ (4) (b), (p) ~~or (5) (b)~~ or (o) shall, except as provided  
18 in pars. (bg), (bm) and (br), be determined according to a prospective payment system  
19 updated annually by the department. The payment system shall implement  
20 standards that are necessary and proper for providing patient care and that meet  
21 quality and safety standards established under subch. II of ch. 50 and ch. 150. The  
22 payment system shall reflect all of the following:

23 **SECTION 59.** 49.45 (6m) (ag) 8. of the statutes is amended to read:

24 49.45 (6m) (ag) 8. Calculation of total payments and supplementary payments  
25 to facilities that permits an aggregate increase in funds allocated under s. 20.435 ~~(5)~~

1     ~~(4)~~ (b) and (o) for nursing home care provided medical assistance recipients,  
2     including an increase resulting in adjustment of facility base rates and percentage  
3     increases over facility base rates, over that paid for services provided in state fiscal  
4     year 1996-97 of no more than 5% or \$45,908,500, whichever is less, during state fiscal  
5     year 1997-98; and calculation of total payments and supplementary payments to  
6     facilities that permits an aggregate increase in funds allocated under s. 20.435 ~~(5)~~  
7     ~~(4)~~ (b) and (o) for nursing home care provided medical assistance recipients,  
8     including a percentage increase over facility base rates, over that paid for services  
9     provided in state fiscal year 1997-98 of no more than 3.5% or \$30,145,200, whichever  
10    is less, during state fiscal year 1998-99. Calculation of total payments and  
11    supplementary payments under this subdivision excludes increases in total  
12    payments attributable to increases in recipient utilization of facility care, payments  
13    for the provision of active treatment to facility residents with developmental  
14    disability or chronic mental illness and payments for preadmission screening of  
15    facility applicants and annual reviews of facility residents required under 42 USC  
16    1396r (e).

17           **SECTION 60.** 49.45 (6t) (intro.) of the statutes is amended to read:

18           49.45 **(6t)** COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING  
19    DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(5)~~ ~~(4)~~ (o), for  
20    reduction of operating deficits, as defined under criteria developed by the  
21    department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42  
22    or by a local health department, as defined in s. 250.01 (4), for services provided  
23    under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management  
24    services under s. 49.46 (2) (b) 12. and for mental health day treatment services for  
25    minors provided under the authorization under 42 USC 1396d (r) (5), the department

1 shall allocate up to \$4,500,000 in each fiscal year to these county departments, or  
2 local health departments as determined by the department, and shall perform all of  
3 the following:

4 **SECTION 61.** 49.45 (6t) (d) of the statutes is amended to read:

5 49.45 (6t) (d) If the federal department of health and human services approves  
6 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result  
7 in a lesser allocation amount than that allocated under this subsection or disallows  
8 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
9 this subsection and distribute on a prorated basis, as determined by the department.

10 **SECTION 62.** 49.45 (6u) (intro.) of the statutes is amended to read:

11 49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)  
12 Notwithstanding sub. (6m), from the appropriation under s. 20.435 ~~(5)~~ (4) (o), for  
13 reduction of operating deficits, as defined under criteria developed by the  
14 department, incurred by a facility, as defined under sub. (6m) (a) 3., that is  
15 established under s. 49.70 (1) or that is owned and operated by a city, village or town,  
16 the department may not distribute to these facilities more than \$38,600,000 in each  
17 fiscal year, as determined by the department, except that the department shall also  
18 distribute for this same purpose from the appropriation under s. 20.435 ~~(5)~~ (4) (o) any  
19 additional federal medical assistance moneys that were not anticipated before  
20 enactment of the biennial budget act or other legislation affecting s. 20.435 ~~(5)~~ (4) (o)  
21 and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8.  
22 The total amount that a county certifies under this subsection may not exceed 100%  
23 of otherwise-unreimbursed care. In distributing funds under this subsection, the  
24 department shall perform all of the following:

25 **SECTION 63.** 49.45 (6u) (d) of the statutes is amended to read:



1           49.45 (6u) (d) If the federal department of health and human services approves  
2 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
3 in a lesser allocation amount than that allocated under this subsection, allocate not  
4 more than the lesser amount so approved by the federal department of health and  
5 human services.

6           **SECTION 64.** 49.45 (6u) (e) of the statutes is amended to read:

7           49.45 (6u) (e) If the federal department of health and human services approves  
8 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
9 in a lesser allocation amount than that allocated under this subsection, submit a  
10 revision of the method developed under par. (b) for approval by the joint committee  
11 on finance in that state fiscal year.

12           **SECTION 65.** 49.45 (6v) (c) of the statutes is amended to read:

13           49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds  
14 by recipients of medical assistance in facilities decreased, the department shall  
15 include a proposal to transfer from the appropriation under s. 20.435 (5) (4) (b) to the  
16 appropriation under s. 20.435 (7) (bd) for the purpose of increasing funding for the  
17 community options program under s. 46.27. The secretary shall transfer the amount  
18 identified under the proposal.

19           **SECTION 66.** 49.45 (6w) (intro.) of the statutes is amended to read:

20           49.45 (6w) HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
21 appropriation under s. 20.435 (5) (4) (o), for reduction of operating deficits, as defined  
22 under criteria developed by the department, incurred by a hospital, as defined under  
23 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or  
24 owned and operated by a city or village, the department shall allocate up to

1 \$3,300,000 in each fiscal year to these hospitals, as determined by the department,  
2 and shall perform all of the following:

3 **SECTION 67.** 49.45 (6w) (d) of the statutes is amended to read:

4 49.45 (6w) (d) If the federal department of health and human services approves  
5 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result  
6 in a lesser allocation amount than that allocated under this subsection or disallows  
7 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
8 this subsection and distribute on a prorated basis, as determined by the department.

9 **SECTION 68.** 49.45 (6x) (a) of the statutes is amended to read:

10 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
11 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute not more than \$4,748,000  
12 in each fiscal year, to provide funds to an essential access city hospital, except that  
13 the department may not allocate funds to an essential access city hospital to the  
14 extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

15 **SECTION 69.** 49.45 (6x) (d) of the statutes is amended to read:

16 49.45 (6x) (d) If the federal department of health and human services approves  
17 for state expenditure in any state fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that  
18 result in a lesser distribution amount than that distributed under this subsection or  
19 disallows use of federal medicaid funds under par. (a), the department of health and  
20 family services shall reduce the distributions under this subsection.

21 **SECTION 70.** 49.45 (6y) (a) of the statutes is amended to read:

22 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
23 20.435 ~~(5)~~ (4) (b) and (o) the department shall distribute funding in each fiscal year  
24 to provide supplemental payment to hospitals that enter into a contract under s.  
25 49.02 (2) to provide health care services funded by a relief block grant, as determined

1 by the department, for hospital services that are not in excess of the hospitals'  
2 customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief  
3 block grant is awarded under this chapter or if the allocation of funds to such  
4 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
5 may distribute funds to hospitals that have not entered into a contract under s. 49.02  
6 (2).

7 **SECTION 71.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

8 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations  
9 under s. 20.435 (~~5~~) (4) (b) and (o) the department shall distribute funding in each  
10 fiscal year to supplement payment for services to hospitals that enter into a contract  
11 under s. 49.02 (2) to provide health care services funded by a relief block grant under  
12 this chapter, if the department determines that the hospitals serve a  
13 disproportionate number of low-income patients with special needs. If no medical  
14 relief block grant under this chapter is awarded or if the allocation of funds to such  
15 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
16 may distribute funds to hospitals that have not entered into a contract under s. 49.02  
17 (2). The department may not distribute funds under this subsection to the extent  
18 that the distribution would do any of the following:

19 **SECTION 72.** 49.45 (8) (b) of the statutes is amended to read:

20 49.45 (8) (b) Reimbursement under s. 20.435 (~~5~~) (4) (b) and (o) for home health  
21 services provided by a certified home health agency or independent nurse shall be  
22 made at the home health agency's or nurse's usual and customary fee per patient care  
23 visit, subject to a maximum allowable fee per patient care visit that is established  
24 under par. (c).

25 **SECTION 73.** 49.45 (24m) (intro.) of the statutes is amended to read:

1           49.45 **(24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
2 From the appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o), in order to test the  
3 feasibility of instituting a system of reimbursement for providers of home health care  
4 and personal care services for medical assistance recipients that is based on  
5 competitive bidding, the department shall:

6           **SECTION 74.** 49.475 (5) of the statutes is amended to read:

7           49.475 **(5)** REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435  
8 ~~(1)~~ (4) (bm) and (p), the department shall reimburse an insurer that provides  
9 information under this section for the insurer's reasonable costs incurred in  
10 providing the requested information, including its reasonable costs, if any, to develop  
11 and operate automated systems specifically for the disclosure of information under  
12 this section.

13           **SECTION 75.** 49.496 (5) of the statutes is amended to read:

14           49.496 **(5)** USE OF FUNDS. From the appropriation under s. 20.435 ~~(5)~~ (4) (im),  
15 the department shall pay the amount of the payments under sub. (4) that is not paid  
16 from federal funds, shall pay to the federal government the amount of the funds  
17 recovered under this section equal to the amount of federal funds used to pay the  
18 benefits recovered under this section and shall spend the remainder of the funds  
19 recovered under this section for medical assistance benefits under this subchapter.

20           **SECTION 76.** 49.683 (2) of the statutes is amended to read:

21           49.683 **(2)** Approved costs for medical care under sub. (1) shall be paid from the  
22 appropriation under s. 20.435 ~~(5)~~ (4) (e).

23           **SECTION 77.** 49.687 (2) of the statutes is amended to read:

24           49.687 **(2)** The department shall develop and implement a sliding scale of  
25 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.

1 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to  
2 pay for treatment. To ensure that the needs for treatment of patients with lower  
3 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (e),  
4 the department shall revise the sliding scale for patient liability by January 1, 1994,  
5 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the  
6 sliding scale.

7 **SECTION 78.** 50.135 (2) (c) of the statutes is amended to read:

8 50.135 (2) (c) The fees collected under par. (a) shall be credited to the  
9 appropriations under s. 20.435 ~~(1)~~ (4) (gm) and (6) (jm) as specified in those  
10 appropriations for licensing, review and certifying activities.

11 **SECTION 79.** 146.93 (1) (a) of the statutes is amended to read:

12 146.93 (1) (a) From the appropriation under s. 20.435 ~~(1)~~ (4) (gp), the  
13 department shall maintain a program for the provision of primary health care  
14 services based on the primary health care program in existence on June 30, 1987.  
15 The department may promulgate rules necessary to implement the program.

16 **SECTION 80.** 146.99 of the statutes is amended to read:

17 **146.99 Assessments.** The department shall, within 90 days after the  
18 commencement of each fiscal year, estimate the total amount of expenditures and the  
19 department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (4) (gp) to  
20 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross  
21 private-pay patient revenues during the hospital's most recently concluded entire  
22 fiscal year. Each hospital shall pay its assessment on or before December 1 for the  
23 fiscal year. All payments of assessments shall be deposited in the appropriation  
24 under s. 20.435 ~~(1)~~ (4) (gp).

25 **SECTION 81.** 149.143 (1) (a) of the statutes is amended to read:

1           149.143 (1) (a) First from the appropriation under s. 20.435 ~~(5)~~ (4) (af).

2           **SECTION 82.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

3           149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage  
4 under s. 149.14 set at 150% of the rate that a standard risk would be charged under  
5 an individual policy providing substantially the same coverage and deductibles as  
6 are provided under the plan, including amounts received for premium and deductible  
7 subsidies under ss. 20.435 ~~(5)~~ (4) (ah) and 149.144, and from premiums collected from  
8 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)  
9 (b).

10          **SECTION 83.** 149.143 (1) (b) 1. b. of the statutes is amended to read:

11          149.143 (1) (b) 1. b. Second, from the appropriation under s. 20.435 ~~(5)~~ (4) (gh),  
12 to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan  
13 costs.

14          **SECTION 84.** 149.143 (1) (b) 1. c. of the statutes is amended to read:

15          149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with  
16 coverage under s. 149.14 to more than 150% but not more than 200% of the rate that  
17 a standard risk would be charged under an individual policy providing substantially  
18 the same coverage and deductibles as are provided under the plan, including  
19 amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)  
20 and 149.144, and by increasing premiums from eligible persons with coverage under  
21 s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under  
22 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

23          **SECTION 85.** 149.143 (2) (a) 1. a. of the statutes is amended to read:

24          149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
25 received in the new plan year if the enrollee premiums were set at a level sufficient,

1 when including amounts received for premium and deductible subsidies under ss.  
2 20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons  
3 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%  
4 of the estimated plan costs for the new plan year, after deducting from the estimated  
5 plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for  
6 that plan year.

7 **SECTION 86.** 149.143 (2) (a) 1. c. of the statutes is amended to read:

8 149.143 (2) (a) 1. c. If the amount estimated to be received under subd. 1. a. is  
9 less than the amount estimated to be received under subd. 1. b., direct the plan  
10 administrator to provide to the department, prior to the beginning of the plan year  
11 and according to procedures specified by the department, the amount of the  
12 difference. The department shall deposit all amounts received under this subd. 1.  
13 c. in the appropriation account under s. 20.435 ~~(5)~~ (4) (gh).

14 **SECTION 87.** 149.144 of the statutes is amended to read:

15 **149.144 Adjustments to insurer assessments and provider payment**  
16 **rates for premium and deductible reductions.** If the moneys under s. 20.435  
17 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.  
18 149.165 and deductible reductions under s. 149.14 (5) (a), or the department  
19 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to  
20 reimburse the plan for premium reductions under s. 149.165 and deductible  
21 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal  
22 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the  
23 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,  
24 sufficient to reimburse the plan for premium reductions under s. 149.165 and  
25 deductible reductions under s. 149.14 (5) (a). The department shall notify the

1 commissioner so that the commissioner may levy any increase in insurer  
2 assessments.

3 **SECTION 88.** 149.165 (4) of the statutes is amended to read:

4 149.165 (4) The department shall reimburse the plan for premium reductions  
5 under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the  
6 appropriation under s. 20.435 ~~(5)~~ (4) (ah).

7 **SECTION 89.** 153.05 (6m) of the statutes is amended to read:

8 153.05 (6m) The department may contract with the group insurance board for  
9 the provision of data collection and analysis services related to health maintenance  
10 organizations and insurance companies that provide health insurance for state  
11 employees. The department shall establish contract fees for the provision of the  
12 services. All moneys collected under this subsection shall be credited to the  
13 appropriation under s. 20.435 ~~(1)~~ (4) (hg).

14 **SECTION 90.** 153.60 (1) of the statutes is amended to read:

15 153.60 (1) The department shall, by the first October 1 after the  
16 commencement of each fiscal year, estimate the total amount of expenditures under  
17 this chapter for the department and the board for that fiscal year for data collection,  
18 data base development and maintenance, generation of data files and standard  
19 reports, orientation and training provided under s. 153.05 (9) and maintaining the  
20 board. The department shall assess the estimated total amount for that fiscal year  
21 less the estimated total amount to be received for purposes of administration of this  
22 chapter under s. 20.435 ~~(1)~~ (4) (hi) during the fiscal year, the unencumbered balance  
23 of the amount received for purposes of administration of this chapter under s. 20.435  
24 ~~(1)~~ (4) (hi) from the prior fiscal year and the amount in the appropriation account  
25 under s. 20.435 (1) (dg) for the fiscal year, to health care providers who are in a class



1 of health care providers from whom the department collects data under this chapter  
2 in a manner specified by the department by rule. The department shall obtain  
3 approval from the board for the amounts of assessments for health care providers  
4 other than hospitals and ambulatory surgery centers. The department shall work  
5 together with the department of regulation and licensing to develop a mechanism for  
6 collecting assessments from health care providers other than hospitals and  
7 ambulatory surgery centers. No health care provider that is not a facility may be  
8 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each  
9 hospital shall pay the assessment on or before December 1. All payments of  
10 assessments shall be deposited in the appropriation under s. 20.435 (~~1~~) (4) (hg).

11 **SECTION 91.** 153.60 (3) of the statutes is amended to read:

12 153.60 (3) The department shall, by the first October 1 after the  
13 commencement of each fiscal year, estimate the total amount of expenditures  
14 required for the collection, database development and maintenance and generation  
15 of public data files and standard reports for health care plans that voluntarily agree  
16 to supply health care data under s. 153.05 (6r). The department shall assess the  
17 estimated total amount for that fiscal year to health care plans in a manner specified  
18 by the department by rule and may enter into an agreement with the office of the  
19 commissioner of insurance for collection of the assessments. Each health plan that  
20 voluntarily agrees to supply this information shall pay the assessments on or before  
21 December 1. All payments of assessments shall be deposited in the appropriation  
22 under s. 20.435 (~~1~~) (4) (hg) and may be used solely for the purposes of s. 153.05 (6r).

23 **SECTION 92.** 153.65 of the statutes is amended to read:

24 **153.65 Provision of special information; user fees.** The department may,  
25 but is not required to, provide, upon request from a person, a data compilation or a

1 special report based on the information collected by the department. The  
2 department shall establish user fees for the provision of these compilations or  
3 reports, payable by the requester, which shall be sufficient to fund the actual  
4 necessary and direct cost of the compilation or report. All moneys collected under  
5 this section shall be credited to the appropriation under s. 20.435 ~~(1)~~ (4) (hi).

6 **SECTION 93.** 867.035 (4) of the statutes is amended to read:

7 867.035 (4) From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect  
8 to funds collected by the department under sub. (1) related to medical assistance paid  
9 on behalf of the decedent or the decedent's spouse, the department of health and  
10 family services shall pay claims under sub. (3), shall pay to the federal government  
11 from the amount recovered under this section and not paid out as claims under sub.  
12 (3) an amount equal to the amount of federal funds used to pay the benefits recovered  
13 under this section and shall spend the remainder of the amount recovered under this  
14 section for medical assistance benefits under subch. IV of ch. 49.

15 (END)

D-NOTE

D-NOTE

To Sue Jablonsky:

This redraft changes the wording of s. 20.435 (4)(md), to add a purpose and to differentiate it from s. 20.435(4)(ma) and (n). The draft makes no other change.

DAK

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0028/2dn  
DAK:kmg:jf

October 16, 1998

To Sue Jablonsky:

This redraft changes the wording of s. 20.435 (4) (md), to add a purpose and to differentiate it from s. 20.435 (4) (ma) and (n). The draft makes no other change.

Debora A. Kennedy  
Assistant Chief Counsel  
266-0137

For 0028/  
redraft  
(From 0320)

# DHFS

## Department of Health and Family Services 1999-2001 Biennial Budget Statutory Language Request September 11, 1998

### Title: Technical Changes to Appropriation Language

#### Current Language

s. 49.155(1g)(c): From the appropriation under s.20.455(3)(mc), transfer \$1,687,400 in fiscal year 1997-98 and \$1,687,400 in fiscal year 1998-99 to the appropriation under s.20.435(6)(kx) for the purpose of day care licensing under s. 48.65.

s.20.435(1)(gm): The amounts in the schedule...From the fees collected under s. 50.135(2), \$447,700 in fiscal year 1997-98 and \$451,600 in fiscal year 1998-99 shall be credited to this appropriation account. *(Note: this last sentence would be moved to s. 20.435(4)(gm) under a separate statutory language request submitted by the Department related to creation of the Divisions of Public Health and Health Care Financing.)*

s. 20.435(6)(gb) ...In fiscal year 1997-98, the department shall transfer \$250,000 from the appropriation account under this paragraph to the appropriation account under sub.(7)(kw).

s. 46.48(29) ARC Community Services, Inc. The department shall distribute \$87,500 in fiscal year 1997-98 and \$175,000 in fiscal year 1998-99 for grants to organizations to provide adolescent pregnancy prevention programs or pregnancy services....

#### Proposed Change

s. 49.155(1g)(c): From the appropriation under s.20.455(3)(mc), transfer ~~\$1,687,400~~ \$2,366,800 in fiscal year ~~1997-98~~ 1999-2000 and ~~\$1,687,400~~ \$2,491,500 in fiscal year ~~1998-99~~ 2000-01 to the appropriation ~~under s.20.435(6)(kx)~~ under s.20.435(3)(kx) for the purpose of day care licensing under s. 48.65.

s.20.435(4)(gm): The amounts in the schedule...From the fees collected under s. 50.135(2), ~~\$447,700~~ \$247,000 in fiscal year ~~1997-98~~ 1999-2000 and ~~\$451,600~~ \$247,200 in fiscal year ~~1998-99~~ 2000-2001 shall be credited to this appropriation account.

s. 20.435(6)(gb) ...~~In fiscal year 1997-98, the department shall transfer \$250,000 from the appropriation account under this paragraph to the appropriation account under sub.(7)(kw).~~

Wisconsin Works

2-11 Deleted from draft since created in 0028

affected in 0028

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## **Kennedy, Debora**

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**From:** Jablonsky, Sue [sue.jablonsky@doa.state.wi.us]  
**Sent:** Thursday, November 05, 1998 10:24 AM  
**To:** Kennedy, Debora  
**Subject:** FW: LRB Drafts for DOH Reorganization and Appropriation Streamli



ch20draft.doc

hey dak-here's cindy's memo. i also want to keep 2(b) and 2(bm) separate as they are under current law. thanks,dear

> -----Original Message-----  
> From: Daggett, Cynthia  
> Sent: Wednesday, November 04, 1998 4:41 PM  
> To: Jablonsky, Sue  
> Subject: LRB Drafts for DOH Reorganization and Appropriation Streamli  
>  
> Attached are the DHFS responses to Debora's questions on the above two  
> drafts.  
> If you need anything else or want me to do the B-5/B-6 changes, please let  
> me  
> know.  
>  
> I ran these by Don Warnke, Cheryl Thompson and Otto Young as well.  
> <<ch20draft.doc>>

Chapter 20 Statutory Language Drafts

LRB—0028/2dn  
Health Reorganization

- ✓ 1. 20.435(1)(dg) should be renumbered to (4)(dg). This is an error on my part; I didn't include this request in my drafting instructions.
- X 2. 20.435(4)(md) was drafted, but not created on the B-2 system. (4)(md) and numeric 498 Federal block grant aids need to be created on B-2 (let me know if you want me to complete B5/B6 form. Since no funds were appropriated, this error wasn't identified earlier.

? This is sunsetted, effective 7/1/99  
From  
Sue W/A:  
Do not do

Debora had no questions on this draft that required a response.

LRB—0027/1dn  
Appropriation Streamlining

1. Not renumbered (6)(k) to (6)(gc). This appropriation "Nursing home monitoring and receivership operations. All moneys received as payments from medical assistance and from all other sources to reimburse the department for the costs of placing a monitor in a nursing home under s. 50.05(2) and (3), receivership of a nursing home and operation of a nursing home held in receivership by the department under s. 50.05(4) and (5)." DHFS contracts with a private entity to run a nursing home that is in receivership. Funds are collected from medical assistance, private insurance, etc. in a manner similar to the Centers for the Developmentally Disabled which are PR funded, not PRS. MA funds are not intercepted, but are collected as a fee for services provided.

DHFS views this as a minor technical correction that has no impact on DHFS workload. If LRB does not agree that the change would be appropriate, please leave the appropriation as it currently exists.

2. The Department's intent was to separate the program language in Chapter 46 to reflect the transfer of children's funds in program 07 to program 03, creation of (3)(bc). Beyond this separation, there was no intent to change language under Chapter 46.
3. Thank you for the cross-reference changes.
4. DHFS was under the impression that these functions were moved to DATCP.
5. We agree, the language under Chapter 253 is sufficient.
6. Ok.
7. We are aware of no distinction between the terms "funds" and "awards."
8. Retain both appropriations.

B-2 Problems—Please let me know if you want me to complete B-5/B-6 forms.

Remove star from 126—under appropriation streamlining numeric was retained but moved to gm  
Star 578—deleted under appropriation streamlining  
Star 627—deleted under appropriation streamlining



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0028/3

DAK:kmg

SOON

D-NOTE

DOA:.....Jablonsky – Public health and health care financing appropriation changes

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't  
even cut</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**HEALTH**

Under current law, the appropriation accounts for expenditure of moneys by the department of health and family services (DHFS) are specified for several categories, including state operations and aids and local assistance for health services planning, regulation and delivery.

This bill reclassifies current categories of appropriation accounts for DHFS for health services planning, regulation and delivery into categories of health care financing and public health state operations and aids and local assistance.

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:*

2 SECTION 1. 16.0095 of the statutes is amended to read:

3 **16.0095 Medicare upper limit consultant.** The department shall hire a

4 consultant, to be paid from the appropriation under s. 20.435 (1) (4) (bm), to



1 determine and recommend to the the department of health and family services the  
2 aggregate payments that should be made for inpatient nursing home services under  
3 medical assistance under subch. IV of ch. 49 such that the aggregate payments will  
4 not exceed the amount that is estimated to be the amount that would have been paid  
5 under the federal medicare program's payment principles. The consultant's  
6 recommendations to the department of health and family services shall be  
7 nonbinding.

8 **SECTION 2.** 20.435 (1) (title) of the statutes is amended to read:

9 20.435 (1) (title) HEALTH PUBLIC HEALTH SERVICES PLANNING, REGULATION AND  
10 DELIVERY; STATE OPERATIONS.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 3.** 20.435 (1) (a) of the statutes is amended to read:

12 20.435 (1) (a) *General program operations.* The amounts in the schedule for  
13 general program operations, including public health services regulation,  
14 administration and field services.

15 **SECTION 4.** 20.435 (1) (bm) of the statutes is renumbered 20.435 (4) (bm) and  
16 amended to read:

17 20.435 (4) (bm) *Medical assistance administration.* Biennially, the amounts  
18 in the schedule to provide the state share of administrative contract costs for the  
19 medical assistance program under ss. 49.45 and 49.665, to reimburse insurers for  
20 their costs under s. 49.475 and for costs associated with outreach activities. No state  
21 positions may be funded in the department of health and family services from this  
22 appropriation, except positions for the performance of duties under a contract in  
23 effect before January 1, 1987, related to the administration of the medical assistance

1 program between the subunit of the department primarily responsible for  
2 administering the medical assistance program and another subunit of the  
3 department. Total administrative funding authorized for the program under s.  
4 49.665 may not exceed 10% of the amounts budgeted under ~~sub. (5) pars. (bc) and (p)~~  
5 (pa).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 5.** 20.435 (1) (gm) of the statutes is amended to read:

7 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*  
8 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),  
9 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.20 (5) and (8), 254.31 to  
10 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) ~~and ch. 150, for the purchase~~  
11 ~~and distribution of medical supplies and to analyze and provide data under s. 250.04.~~  
12 All moneys received under ss. 146.50 (8) (d), ~~150.13~~ 250.04 (3m), 250.05 (6), 252.23  
13 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.20 (5) and (8), 254.31 to  
14 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) (b) and as reimbursement for  
15 medical supplies shall be credited to this appropriation account. ~~From the fees~~  
16 ~~collected under s. 50.135 (2), \$444,700 in fiscal year 1997-98 and \$451,600 in fiscal~~  
17 ~~year 1998-99 shall be credited to this appropriation account.~~

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This SECTION supersedes the treatment of s. 20.435 (1) (gm) in 1999 LRB-0027/1 (the "appropriation streamlining" draft); if both this draft and LRB-0027 are included in the budget bill, the treatment of s. 20.435 (1) (gm) in LRB-0027 should be eliminated.

18 **SECTION 6.** 20.435 (1) (gp) of the statutes is renumbered 20.435 (4) (gp).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 7.** 20.435 (1) (hg) of the statutes is renumbered 20.435 (4) (hg).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 8.** 20.435 (1) (hi) of the statutes is renumbered 20.435 (4) (hi).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2       **SECTION 9.** 20.435 (1) (in) of the statutes is renumbered 20.435 (4) (in).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3       **SECTION 10.** 20.435 (1) (p) of the statutes is renumbered 20.435 (4) (p).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4       **SECTION 11.** 20.435 (1) (u) of the statutes is renumbered 20.435 (4) (u).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5       **SECTION 12.** 20.435 (4) (title) of the statutes is created to read:

6       20.435 (4) (title) **HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH**

7       **CARE FINANCING.**

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 13.** 20.435 (4) (a) of the statutes is created to read:

9       20.435 (4) (a) *General program operations.* The amounts in the schedule for  
10       general program operations, including health care financing regulation,  
11       administration and field services.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12       **SECTION 14.** 20.435 (4) (e) of the statutes is created to read:

13       20.435 (4) (e) *Disease aids.* Biennially, the amounts in the schedule for  
14       assisting victims of diseases, as provided in ss. 49.68, 49.683 and 49.685, as  
15       distributed by the department.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16       **SECTION 15.** 20.435 (4) (gm) of the statutes is created to read:

\$247,000

\$247,200

1           20.435 (4) (gm) *Health services regulation and vital statistics*. The amounts in  
 2 the schedule for the purposes specified in chs. 69 and 150. All moneys received under  
 3 ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees  
 4 collected under s. 50.135 (2), ~~\$444,700~~ in fiscal year 1999-00 and ~~\$451,600~~ in fiscal  
 5 year 2000-01 shall be credited to this appropriation account.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 16.** 20.435 (4) (i) of the statutes is created to read:

7           20.435 (4) (i) *Gifts and grants; health care financing*. All moneys received from  
 8 gifts, grants, bequests and trust funds to provide health care financing consistent  
 9 with the purpose of the gift, grant, bequest or trust fund.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 17.** 20.435 (4) (kx) of the statutes is created to read:

11          20.435 (4) (kx) *Interagency and intra-agency programs*. All moneys received  
 12 from other state agencies and all moneys received by the department from the  
 13 department for the administration of programs or projects, for the purposes for which  
 14 received.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15          **SECTION 18.** 20.435 (4) (ky) of the statutes is created to read:

16          20.435 (4) (ky) *Interagency and intra-agency aids*. All moneys received from  
 17 other state agencies and all moneys received by the department from the department  
 18 for aids to individuals and organizations, for the purpose of providing those aids.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19          **SECTION 19.** 20.435 (4) (kz) of the statutes is created to read:

1           20.435 (4) (kz) *Interagency and intra-agency local assistance.* All moneys  
2 received from other state agencies and all moneys received by the department from  
3 the department for local assistance, for the purpose of providing that assistance.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 20.** 20.435 (4) (m) of the statutes is created to read:

5           20.435 (4) (m) *Federal project operations.* All moneys received from the federal  
6 government or any of its agencies for the state administration of specific limited term  
7 projects, to be expended for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 21.** 20.435 (4) (ma) of the statutes is created to read:

9           20.435 (4) (ma) *Federal project aids.* All moneys received from the federal  
10 government or any of its agencies for specific limited term projects of aids to  
11 individuals or organizations, to be expended for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 22.** 20.435 (4) (md) of the statutes is created to read:

13          20.435 (4) (md) *Federal block grant aids.* All block grant moneys received from  
14 the federal government or any of its agencies for aids to individuals or organizations,  
15 other than for specific limited term projects and continuing programs, to be expended  
16 for the purposes specified.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

17          **SECTION 23.** 20.435 (4) (n) of the statutes is created to read:

18          20.435 (4) (n) *Federal program operations.* All moneys received from the  
19 federal government or any of its agencies for the state administration of continuing  
20 programs, to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1           **SECTION 24.** 20.435 (4) (na) of the statutes is created to read:

2           20.435 (4) (na) *Federal program aids.* All moneys received from the federal  
3 government or any of its agencies for continuing programs of aids to individuals or  
4 organizations, to be expended for the purposes specified.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 25.** 20.435 (5) (title) of the statutes is amended to read:

6           20.435 (5) (title) ~~HEALTH~~ PUBLIC HEALTH SERVICES PLANNING, REGULATION AND  
7 DELIVERY; AIDS AND LOCAL ASSISTANCE.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 26.** 20.435 (5) (af) of the statutes is renumbered 20.435 (4) (af).

<sup>27</sup>\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 27.** 20.435 (5) (ah) of the statutes is renumbered 20.435 (4) (ah).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 28.** 20.435 (5) (b) of the statutes is renumbered 20.435 (4) (b).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

11          **SECTION 29.** 20.435 (5) (bc) of the statutes is renumbered 20.435 (4) (bc).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12          **SECTION 30.** 20.435 (5) (bs) of the statutes is renumbered 20.435 (4) (bs).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13          **SECTION 31.** 20.435 (5) (d) of the statutes is renumbered 20.435 (4) (d).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14          **SECTION 32.** 20.435 (5) (e) of the statutes is amended to read:

1           20.435 (5) (e) *Disease aids*. Biennially, the amounts in the schedule for  
2 assisting victims of diseases, as provided in ss. ~~49.68, 49.683, 49.685~~, 58.06, 252.08  
3 (4) and (5) and 252.10 (6) and (7), as ~~allocated~~ distributed by the department.

4           **SECTION 33.** 20.435 (5) (gh) of the statutes is renumbered 20.435 (4) (gh).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

5           **SECTION 34.** 20.435 (5) (im) of the statutes is renumbered 20.435 (4) (im).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

6           **SECTION 35.** 20.435 (5) (jz) of the statutes is renumbered 20.435 (4) (jz).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 36.** 20.435 (5) (o) of the statutes is renumbered 20.435 (4) (o).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

8           **SECTION 37.** 20.435 (5) (p) of the statutes is renumbered 20.435 (4) (pa).

          \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

9           **SECTION 38.** 20.435 (6) (jm) of the statutes is amended to read:

10           20.435 (6) (jm) *Licensing and support services*. The amounts in the schedule  
11 for the purposes specified in ss. 50.02 (2), 50.025, 50.13, 50.135, 50.36 (2), 50.49 (2)  
12 (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50 and to conduct  
13 health facilities plan and rule development activities, for accrediting nursing homes,  
14 convalescent homes and homes for the aged, to conduct capital construction and  
15 remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and for the costs of  
16 inspecting, licensing and approving facilities, issuing permits and providing  
17 technical assistance that are not specified under any other paragraph in this  
18 subsection. All moneys received under ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.49  
19 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from

1 fees for the costs of inspecting, licensing and approving facilities, issuing permits and  
2 providing technical assistance that are not specified under any other paragraph in  
3 this subsection, and all moneys received under 50.135 (2), less the amounts credited  
4 to the appropriation account under sub. ~~(1)~~ (4) (gm), shall be credited to this  
5 appropriation account.

6 **SECTION 39.** 20.435 (7) (bd) of the statutes is amended to read:

7 20.435 (7) (bd) *Community options program and long-term support pilot*  
8 *projects.* The amounts in the schedule for assessments, case planning, services and  
9 administration under s. 46.27 and for pilot projects under s. 46.271 (1), and the  
10 amounts carried forward under 1997 Wisconsin Act 27, section 9123 (2), for the pilot  
11 project under s. 46.271 (2m). If the department transfers funds to this appropriation  
12 from the appropriation account under sub. ~~(5)~~ (4) (b), the amounts in the schedule  
13 for the fiscal year for which the transfer is made are increased by the amount of the  
14 transfer for the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3)  
15 (a) and 20.002 (1), the department may under this paragraph transfer moneys  
16 between fiscal years. Except for moneys authorized for transfer under this  
17 appropriation, under s. 46.27 (7) (fm) or (g) or under 1997 Wisconsin Act 27, section  
18 9123 (2), all moneys under this appropriation that are allocated under s. 46.27 and  
19 are not spent or encumbered by counties or by the department by December 31 of  
20 each year shall lapse to the general fund on the succeeding January 1 unless  
21 transferred to the next calendar year by the joint committee on finance.

22 **SECTION 40.** 20.435 (7) (im) of the statutes is amended to read:

23 20.435 (7) (im) *Community options program; recovery of costs of care.* From the  
24 moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035,  
25 all moneys not appropriated under sub. ~~(1)~~ (4) (in), for payments to county



1 departments and aging units under s. 46.27 (7g) (d), payment of claims under s.  
2 867.035 (3) and payments for long-term community support services funded under  
3 s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m).

4 **SECTION 41.** 20.435 (7) (kb) of the statutes is amended to read:

5 20.435 (7) (kb) *Severely emotionally disturbed children.* As a continuing  
6 appropriation, all moneys transferred from the appropriation under sub. (5) (4) (b)  
7 to this appropriation to provide, under s. 46.485, mental health care and treatment  
8 and community-based mental health services for severely emotionally disturbed  
9 children. Notwithstanding s. 20.002 (1), the department of health and family  
10 services may transfer from this appropriation to the appropriation under sub. (5) (4)  
11 (b) funds as specified in s. 46.485 (3r).

12 **SECTION 42.** 46.27 (9) (a) of the statutes is amended to read:

13 46.27 (9) (a) The department may select up to 5 counties that volunteer to  
14 participate in a pilot project under which they will receive certain funds allocated for  
15 long-term care. The department shall allocate a level of funds to these counties  
16 equal to the amount that would otherwise be paid under s. 20.435 (5) (4) (b) to nursing  
17 homes for providing care because of increased utilization of nursing home services,  
18 as estimated by the department. In estimating these levels, the department shall  
19 exclude any increased utilization of services provided by state centers for the  
20 developmentally disabled. The department shall calculate these amounts on a  
21 calendar year basis under sub. (10).

22 **SECTION 43.** 46.27 (10) (a) 1. of the statutes is amended to read:

23 46.27 (10) (a) 1. The department shall determine for each county participating  
24 in the pilot project under sub. (9) a funding level of state medical assistance  
25 expenditures to be received by the county. This level shall equal the amount that the

1 department determines would otherwise be paid under s. 20.435 ~~(5)~~ (4) (b) because  
2 of increased utilization of nursing home services, as estimated by the department.

3 **SECTION 44.** 46.27 (11) (c) 3. of the statutes is amended to read:

4 46.27 (11) (c) 3. Medical assistance reimbursement for services a county, a  
5 private nonprofit agency or an aging unit with which the department contracts  
6 provides under this subsection shall be made from the appropriations under s. 20.435  
7 ~~(5)~~ (4) (o) and (7) (b) and (bd).

8 **SECTION 45.** 46.27 (11) (c) 4. of the statutes is amended to read:

9 46.27 (11) (c) 4. The department may, from the appropriation under s. 20.435  
10 ~~(5)~~ (4) (o), provide reimbursement for services provided under this subsection by  
11 counties that are in excess of the current average annual per person rate, as  
12 established by the department, and are less than or equal to the average amount  
13 approved in the waiver received under par. (am).

14 **SECTION 46.** 46.275 (5) (a) of the statutes is amended to read:

15 46.275 (5) (a) Medical assistance reimbursement for services a county, or the  
16 department under sub. (3r), provides under this program is available from the  
17 appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o). If 2 or more counties jointly contract  
18 to provide services under this program and the department approves the contract,  
19 medical assistance reimbursement is also available for services provided jointly by  
20 these counties.

21 **SECTION 47.** 46.275 (5) (c) of the statutes is amended to read:

22 46.275 (5) (c) The total allocation under s. 20.435 ~~(5)~~ (4) (b) and (o) to counties  
23 and to the department under sub. (3r) for services provided under this section may  
24 not exceed the amount approved by the federal department of health and human  
25 services. A county may use funds received under this section only to provide services

1 to persons who meet the requirements under sub. (4) and may not use unexpended  
2 funds received under this section to serve other developmentally disabled persons  
3 residing in the county.

4 **SECTION 48.** 46.275 (5) (d) of the statutes is amended to read:

5 46.275 (5) (d) The department may, from the appropriation under s. 20.435 (~~5~~)  
6 (4) (o), provide reimbursement for services provided under this section by counties  
7 that are in excess of the current average annual per person rate, as established by  
8 the department, and are less than the average amount approved in the waiver  
9 received under sub. (2).

10 **SECTION 49.** 46.278 (6) (d) of the statutes is amended to read:

11 46.278 (6) (d) If a county makes available nonfederal funds equal to the state  
12 share of service costs under the waiver received under sub. (3), the department may,  
13 from the appropriation under s. 20.435 (~~5~~) (4) (o), provide reimbursement for services  
14 that the county provides under this section to persons who are in addition to those  
15 who may be served under this section with funds from the appropriation under s.  
16 20.435 (~~5~~) (4) (b).

17 **SECTION 50.** 46.485 (2g) (intro.) of the statutes is amended to read:

18 46.485 (2g) (intro.) From the appropriation under s. 20.435 (~~5~~) (4) (b), the  
19 department may in each fiscal year transfer funds to the appropriation under s.  
20 20.435 (7) (kb) for distribution under this section and from the appropriation under  
21 s. 20.435 (7) (mb) the department may not distribute more than \$1,330,500 in each  
22 fiscal year to applying counties in this state that meet all of the following  
23 requirements, as determined by the department:

24 **SECTION 51.** 46.485 (3r) of the statutes is amended to read:

1           46.485 **(3r)** Funds that a county does not encumber before 24 months after  
2 June 30 of the fiscal year in which the funds were distributed under sub. (2g) lapse  
3 to the appropriation under s. 20.435 ~~(5)~~ (4) (b).

4           **SECTION 52.** 49.029 (2) of the statutes is amended to read:

5           49.029 **(2)** AMOUNT AND DISTRIBUTION OF RELIEF BLOCK GRANT. From the  
6 appropriation under s. 20.435 ~~(5)~~ (4) (bs), the department shall distribute a relief  
7 block grant to each eligible tribal governing body in an amount and in a manner  
8 determined in accordance with rules promulgated by the department. The  
9 department shall promulgate the rules after consulting with all tribal governing  
10 bodies eligible for a relief block grant. In promulgating rules under this section, the  
11 department shall consider each tribe's economic circumstances and need for health  
12 care services.

13           **SECTION 53.** 49.45 (2) (a) 4. of the statutes is amended to read:

14           49.45 **(2)** (a) 4. To the extent funds are available under s. 20.435 ~~(1)~~ (4) (bm),  
15 certify all proper charges and claims for administrative services to the department  
16 of administration for payment and the department of administration shall draw its  
17 warrant forthwith.

18           **SECTION 54.** 49.45 (2) (a) 17. of the statutes is amended to read:

19           49.45 **(2)** (a) 17. Notify the governor, the joint committee on legislative  
20 organization, the joint committee on finance and appropriate standing committees,  
21 as determined by the presiding officer of each house, if the appropriation under s.  
22 20.435 ~~(5)~~ (4) (b) is insufficient to provide the state share of medical assistance.

23           **SECTION 55.** 49.45 (3) (am) 1. of the statutes is amended to read:

24           49.45 **(3)** (am) 1. From the appropriation under s. 20.435 ~~(1)~~ (4) (bm), the  
25 department shall make incentive payments to counties to encourage counties to

1 identify medical assistance applicants and recipients who have other health care  
2 coverage and the providers of the health care coverage and give that information to  
3 the department.

4 **SECTION 56.** 49.45 (3) (j) of the statutes is amended to read:

5 49.45 (3) (j) Reimbursement for administrative contract costs under this  
6 section is limited to the funds available under s. 20.435 (1) (4) (bm).

7 **SECTION 57.** 49.45 (5m) (a) of the statutes is amended to read:

8 49.45 (5m) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
9 20.435 (5) (4) (b) and (o) the department shall distribute not more than \$2,256,000  
10 in each fiscal year, to provide supplemental funds to rural hospitals that, as  
11 determined by the department, have high utilization of inpatient services by  
12 patients whose care is provided from governmental sources, except that the  
13 department may not distribute funds to a rural hospital to the extent that the  
14 distribution would exceed any limitation under 42 USC 1396b (i) (3).

15 **SECTION 58.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

16 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this  
17 subsection made under s. 20.435 (1) (4)(b), (p) ~~or (5)(b)~~ or (o) shall, except as provided  
18 in pars. (bg), (bm) and (br), be determined according to a prospective payment system  
19 updated annually by the department. The payment system shall implement  
20 standards that are necessary and proper for providing patient care and that meet  
21 quality and safety standards established under subch. II of ch. 50 and ch. 150. The  
22 payment system shall reflect all of the following:

23 **SECTION 59.** 49.45 (6m) (ag) 8. of the statutes is amended to read:

24 49.45 (6m) (ag) 8. Calculation of total payments and supplementary payments  
25 to facilities that permits an aggregate increase in funds allocated under s. 20.435 (5)

1     ~~(4)~~ (b) and (o) for nursing home care provided medical assistance recipients,  
2     including an increase resulting in adjustment of facility base rates and percentage  
3     increases over facility base rates, over that paid for services provided in state fiscal  
4     year 1996-97 of no more than 5% or \$45,908,500, whichever is less, during state fiscal  
5     year 1997-98; and calculation of total payments and supplementary payments to  
6     facilities that permits an aggregate increase in funds allocated under s. 20.435 ~~(5)~~  
7     ~~(4)~~ (b) and (o) for nursing home care provided medical assistance recipients,  
8     including a percentage increase over facility base rates, over that paid for services  
9     provided in state fiscal year 1997-98 of no more than 3.5% or \$30,145,200, whichever  
10    is less, during state fiscal year 1998-99. Calculation of total payments and  
11    supplementary payments under this subdivision excludes increases in total  
12    payments attributable to increases in recipient utilization of facility care, payments  
13    for the provision of active treatment to facility residents with developmental  
14    disability or chronic mental illness and payments for preadmission screening of  
15    facility applicants and annual reviews of facility residents required under 42 USC  
16    1396r (e).

17           **SECTION 60.** 49.45 (6t) (intro.) of the statutes is amended to read:

18           49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING  
19    DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 ~~(5)~~ ~~(4)~~ (o), for  
20    reduction of operating deficits, as defined under criteria developed by the  
21    department, incurred by a county department under s. 46.215, 46.22, 46.23 or 51.42  
22    or by a local health department, as defined in s. 250.01 (4), for services provided  
23    under s. 49.46 (2) (a) 4. d. and (b) 6. f., j., k. and L., 9. and 15., for case management  
24    services under s. 49.46 (2) (b) 12. and for mental health day treatment services for  
25    minors provided under the authorization under 42 USC 1396d (r) (5), the department

1 shall allocate up to \$4,500,000 in each fiscal year to these county departments, or  
2 local health departments as determined by the department, and shall perform all of  
3 the following:

4 **SECTION 61.** 49.45 (6t) (d) of the statutes is amended to read:

5 49.45 (6t) (d) If the federal department of health and human services approves  
6 for state expenditure in a fiscal year amounts under s. 20.435 ~~(5)~~ (4) (o) that result  
7 in a lesser allocation amount than that allocated under this subsection or disallows  
8 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
9 this subsection and distribute on a prorated basis, as determined by the department.

10 **SECTION 62.** 49.45 (6u) (intro.) of the statutes is amended to read:

11 49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)  
12 Notwithstanding sub. (6m), from the appropriation under s. 20.435 ~~(5)~~ (4) (o), for  
13 reduction of operating deficits, as defined under criteria developed by the  
14 department, incurred by a facility, as defined under sub. (6m) (a) 3., that is  
15 established under s. 49.70 (1) or that is owned and operated by a city, village or town,  
16 the department may not distribute to these facilities more than \$38,600,000 in each  
17 fiscal year, as determined by the department, except that the department shall also  
18 distribute for this same purpose from the appropriation under s. 20.435 ~~(5)~~ (4) (o) any  
19 additional federal medical assistance moneys that were not anticipated before  
20 enactment of the biennial budget act or other legislation affecting s. 20.435 ~~(5)~~ (4) (o)  
21 and that were not used to fund nursing home rate increases under sub. (6m) (ag) 8.  
22 The total amount that a county certifies under this subsection may not exceed 100%  
23 of otherwise-unreimbursed care. In distributing funds under this subsection, the  
24 department shall perform all of the following:

25 **SECTION 63.** 49.45 (6u) (d) of the statutes is amended to read:

1           49.45 (6u) (d) If the federal department of health and human services approves  
2 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
3 in a lesser allocation amount than that allocated under this subsection, allocate not  
4 more than the lesser amount so approved by the federal department of health and  
5 human services.

6           **SECTION 64.** 49.45 (6u) (e) of the statutes is amended to read:

7           49.45 (6u) (e) If the federal department of health and human services approves  
8 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
9 in a lesser allocation amount than that allocated under this subsection, submit a  
10 revision of the method developed under par. (b) for approval by the joint committee  
11 on finance in that state fiscal year.

12           **SECTION 65.** 49.45 (6v) (c) of the statutes is amended to read:

13           49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds  
14 by recipients of medical assistance in facilities decreased, the department shall  
15 include a proposal to transfer from the appropriation under s. 20.435 (5) (4) (b) to the  
16 appropriation under s. 20.435 (7) (bd) for the purpose of increasing funding for the  
17 community options program under s. 46.27. The secretary shall transfer the amount  
18 identified under the proposal.

19           **SECTION 66.** 49.45 (6w) (intro.) of the statutes is amended to read:

20           49.45 (6w) HOSPITAL OPERATING DEFICIT REDUCTION. (intro.) From the  
21 appropriation under s. 20.435 (5) (4) (o), for reduction of operating deficits, as defined  
22 under criteria developed by the department, incurred by a hospital, as defined under  
23 s. 50.33 (2) (a) and (b), that is operated by the state, established under s. 49.71 or  
24 owned and operated by a city or village, the department shall allocate up to



1 \$3,300,000 in each fiscal year to these hospitals, as determined by the department,  
2 and shall perform all of the following:

3 **SECTION 67.** 49.45 (6w) (d) of the statutes is amended to read:

4 49.45 (6w) (d) If the federal department of health and human services approves  
5 for state expenditure in a fiscal year amounts under s. 20.435 (5) (4) (o) that result  
6 in a lesser allocation amount than that allocated under this subsection or disallows  
7 use of the allocation of federal medicaid funds under par. (c), reduce allocations under  
8 this subsection and distribute on a prorated basis, as determined by the department.

9 **SECTION 68.** 49.45 (6x) (a) of the statutes is amended to read:

10 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
11 20.435 (5) (4) (b) and (o) the department shall distribute not more than \$4,748,000  
12 in each fiscal year, to provide funds to an essential access city hospital, except that  
13 the department may not allocate funds to an essential access city hospital to the  
14 extent that the allocation would exceed any limitation under 42 USC 1396b (i) (3).

15 **SECTION 69.** 49.45 (6x) (d) of the statutes is amended to read:

16 49.45 (6x) (d) If the federal department of health and human services approves  
17 for state expenditure in any state fiscal year amounts under s. 20.435 (5) (4) (o) that  
18 result in a lesser distribution amount than that distributed under this subsection or  
19 disallows use of federal medicaid funds under par. (a), the department of health and  
20 family services shall reduce the distributions under this subsection.

21 **SECTION 70.** 49.45 (6y) (a) of the statutes is amended to read:

22 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.  
23 20.435 (5) (4) (b) and (o) the department shall distribute funding in each fiscal year  
24 to provide supplemental payment to hospitals that enter into a contract under s.  
25 49.02 (2) to provide health care services funded by a relief block grant, as determined

1 by the department, for hospital services that are not in excess of the hospitals'  
2 customary charges for the services, as limited under 42 USC 1396b (i) (3). If no relief  
3 block grant is awarded under this chapter or if the allocation of funds to such  
4 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
5 may distribute funds to hospitals that have not entered into a contract under s. 49.02  
6 (2).

7 **SECTION 71.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

8 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations  
9 under s. 20.435 (~~5~~) (4) (b) and (o) the department shall distribute funding in each  
10 fiscal year to supplement payment for services to hospitals that enter into a contract  
11 under s. 49.02 (2) to provide health care services funded by a relief block grant under  
12 this chapter, if the department determines that the hospitals serve a  
13 disproportionate number of low-income patients with special needs. If no medical  
14 relief block grant under this chapter is awarded or if the allocation of funds to such  
15 hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department  
16 may distribute funds to hospitals that have not entered into a contract under s. 49.02  
17 (2). The department may not distribute funds under this subsection to the extent  
18 that the distribution would do any of the following:

19 **SECTION 72.** 49.45 (8) (b) of the statutes is amended to read:

20 49.45 (8) (b) Reimbursement under s. 20.435 (~~5~~) (4) (b) and (o) for home health  
21 services provided by a certified home health agency or independent nurse shall be  
22 made at the home health agency's or nurse's usual and customary fee per patient care  
23 visit, subject to a maximum allowable fee per patient care visit that is established  
24 under par. (c).

25 **SECTION 73.** 49.45 (24m) (intro.) of the statutes is amended to read:

1           49.45 **(24m)** HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)  
2 From the appropriations under s. 20.435 ~~(5)~~ (4) (b) and (o), in order to test the  
3 feasibility of instituting a system of reimbursement for providers of home health care  
4 and personal care services for medical assistance recipients that is based on  
5 competitive bidding, the department shall:

6           **SECTION 74.** 49.475 (5) of the statutes is amended to read:

7           49.475 **(5)** REIMBURSEMENT OF COSTS. From the appropriations under s. 20.435  
8 ~~(1)~~ (4) (bm) and (p), the department shall reimburse an insurer that provides  
9 information under this section for the insurer's reasonable costs incurred in  
10 providing the requested information, including its reasonable costs, if any, to develop  
11 and operate automated systems specifically for the disclosure of information under  
12 this section.

13           **SECTION 75.** 49.496 (5) of the statutes is amended to read:

14           49.496 **(5)** USE OF FUNDS. From the appropriation under s. 20.435 ~~(5)~~ (4) (im),  
15 the department shall pay the amount of the payments under sub. (4) that is not paid  
16 from federal funds, shall pay to the federal government the amount of the funds  
17 recovered under this section equal to the amount of federal funds used to pay the  
18 benefits recovered under this section and shall spend the remainder of the funds  
19 recovered under this section for medical assistance benefits under this subchapter.

20           **SECTION 76.** 49.683 (2) of the statutes is amended to read:

21           49.683 **(2)** Approved costs for medical care under sub. (1) shall be paid from the  
22 appropriation under s. 20.435 ~~(5)~~ (4) (e).

23           **SECTION 77.** 49.687 (2) of the statutes is amended to read:

24           49.687 **(2)** The department shall develop and implement a sliding scale of  
25 patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s.

1 49.683 and hemophilia treatment under s. 49.685, based on the patient's ability to  
2 pay for treatment. To ensure that the needs for treatment of patients with lower  
3 incomes receive priority within the availability of funds under s. 20.435 ~~(5)~~ (4) (e),  
4 the department shall revise the sliding scale for patient liability by January 1, 1994,  
5 and shall, every 3 years thereafter by January 1, review and, if necessary, revise the  
6 sliding scale.

7 **SECTION 78.** 50.135 (2) (c) of the statutes is amended to read:

8 50.135 (2) (c) The fees collected under par. (a) shall be credited to the  
9 appropriations under s. 20.435 ~~(1)~~ (4) (gm) and (6) (jm) as specified in those  
10 appropriations for licensing, review and certifying activities.

11 **SECTION 79.** 146.93 (1) (a) of the statutes is amended to read:

12 146.93 (1) (a) From the appropriation under s. 20.435 ~~(1)~~ (4) (gp), the  
13 department shall maintain a program for the provision of primary health care  
14 services based on the primary health care program in existence on June 30, 1987.  
15 The department may promulgate rules necessary to implement the program.

16 **SECTION 80.** 146.99 of the statutes is amended to read:

17 **146.99 Assessments.** The department shall, within 90 days after the  
18 commencement of each fiscal year, estimate the total amount of expenditures and the  
19 department shall assess the estimated total amount under s. 20.435 ~~(1)~~ (4) (gp) to  
20 hospitals, as defined in s. 50.33 (2), in proportion to each hospital's respective gross  
21 private-pay patient revenues during the hospital's most recently concluded entire  
22 fiscal year. Each hospital shall pay its assessment on or before December 1 for the  
23 fiscal year. All payments of assessments shall be deposited in the appropriation  
24 under s. 20.435 ~~(1)~~ (4) (gp).

25 **SECTION 81.** 149.143 (1) (a) of the statutes is amended to read:

1           149.143 (1) (a) First from the appropriation under s. 20.435 ~~(5)~~ (4) (af).

2           **SECTION 82.** 149.143 (1) (b) 1. a. of the statutes is amended to read:

3           149.143 (1) (b) 1. a. First, from premiums from eligible persons with coverage  
4 under s. 149.14 set at 150% of the rate that a standard risk would be charged under  
5 an individual policy providing substantially the same coverage and deductibles as  
6 are provided under the plan, including amounts received for premium and deductible  
7 subsidies under ss. 20.435 ~~(5)~~ (4) (ah) and 149.144, and from premiums collected from  
8 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)  
9 (b).

10          **SECTION 83.** 149.143 (1) (b) 1. b. of the statutes is amended to read:

11          149.143 (1) (b) 1. b. Second, from the appropriation under s. 20.435 ~~(5)~~ (4) (gh),  
12 to the extent that the amounts under subd. 1. a. are insufficient to pay 60% of plan  
13 costs.

14          **SECTION 84.** 149.143 (1) (b) 1. c. of the statutes is amended to read:

15          149.143 (1) (b) 1. c. Third, by increasing premiums from eligible persons with  
16 coverage under s. 149.14 to more than 150% but not more than 200% of the rate that  
17 a standard risk would be charged under an individual policy providing substantially  
18 the same coverage and deductibles as are provided under the plan, including  
19 amounts received for premium and deductible subsidies under ss. 20.435 ~~(5)~~ (4) (ah)  
20 and 149.144, and by increasing premiums from eligible persons with coverage under  
21 s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the amounts under  
22 subd. 1. a. and b. are insufficient to pay 60% of plan costs.

23          **SECTION 85.** 149.143 (2) (a) 1. a. of the statutes is amended to read:

24          149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be  
25 received in the new plan year if the enrollee premiums were set at a level sufficient,

1 when including amounts received for premium and deductible subsidies under ss.  
2 20.435 ~~(5)~~ (4) (ah) and 149.144 and from premiums collected from eligible persons  
3 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b), to cover 60%  
4 of the estimated plan costs for the new plan year, after deducting from the estimated  
5 plan costs the amount available in the appropriation under s. 20.435 ~~(5)~~ (4) (af) for  
6 that plan year.

7 **SECTION 86.** 149.143 (2) (a) 1. c. of the statutes is amended to read:

8 149.143 (2) (a) 1. c. If the amount estimated to be received under subd. 1. a. is  
9 less than the amount estimated to be received under subd. 1. b., direct the plan  
10 administrator to provide to the department, prior to the beginning of the plan year  
11 and according to procedures specified by the department, the amount of the  
12 difference. The department shall deposit all amounts received under this subd. 1.  
13 c. in the appropriation account under s. 20.435 ~~(5)~~ (4) (gh).

14 **SECTION 87.** 149.144 of the statutes is amended to read:

15 **149.144 Adjustments to insurer assessments and provider payment**  
16 **rates for premium and deductible reductions.** If the moneys under s. 20.435  
17 ~~(5)~~ (4) (ah) are insufficient to reimburse the plan for premium reductions under s.  
18 149.165 and deductible reductions under s. 149.14 (5) (a), or the department  
19 determines that the moneys under s. 20.435 ~~(5)~~ (4) (ah) will be insufficient to  
20 reimburse the plan for premium reductions under s. 149.165 and deductible  
21 reductions under s. 149.14 (5) (a), the department shall, by rule, adjust in equal  
22 proportions the amount of the assessment set under s. 149.143 (2) (a) 3. and the  
23 provider payment rate set under s. 149.143 (2) (a) 4., subject to s. 149.143 (1) (b) 1.,  
24 sufficient to reimburse the plan for premium reductions under s. 149.165 and  
25 deductible reductions under s. 149.14 (5) (a). The department shall notify the

1 commissioner so that the commissioner may levy any increase in insurer  
2 assessments.

3 **SECTION 88.** 149.165 (4) of the statutes is amended to read:

4 149.165 (4) The department shall reimburse the plan for premium reductions  
5 under sub. (2) and deductible reductions under s. 149.14 (5) (a) with moneys from the  
6 appropriation under s. 20.435 ~~(5)~~ (4) (ah).

7 **SECTION 89.** 153.05 (6m) of the statutes is amended to read:

8 153.05 (6m) The department may contract with the group insurance board for  
9 the provision of data collection and analysis services related to health maintenance  
10 organizations and insurance companies that provide health insurance for state  
11 employees. The department shall establish contract fees for the provision of the  
12 services. All moneys collected under this subsection shall be credited to the  
13 appropriation under s. 20.435 ~~(1)~~ (4) (hg).

14 **SECTION 90.** 153.60 (1) of the statutes is amended to read:

15 153.60 (1) The department shall, by the first October 1 after the  
16 commencement of each fiscal year, estimate the total amount of expenditures under  
17 this chapter for the department and the board for that fiscal year for data collection,  
18 data base development and maintenance, generation of data files and standard  
19 reports, orientation and training provided under s. 153.05 (9) and maintaining the  
20 board. The department shall assess the estimated total amount for that fiscal year  
21 less the estimated total amount to be received for purposes of administration of this  
22 chapter under s. 20.435 ~~(1)~~ (4) (hi) during the fiscal year, the unencumbered balance  
23 of the amount received for purposes of administration of this chapter under s. 20.435  
24 ~~(1)~~ (4) (hi) from the prior fiscal year and the amount in the appropriation account  
25 under s. 20.435 (1) (dg) for the fiscal year, to health care providers who are in a class

1 of health care providers from whom the department collects data under this chapter  
2 in a manner specified by the department by rule. The department shall obtain  
3 approval from the board for the amounts of assessments for health care providers  
4 other than hospitals and ambulatory surgery centers. The department shall work  
5 together with the department of regulation and licensing to develop a mechanism for  
6 collecting assessments from health care providers other than hospitals and  
7 ambulatory surgery centers. No health care provider that is not a facility may be  
8 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each  
9 hospital shall pay the assessment on or before December 1. All payments of  
10 assessments shall be deposited in the appropriation under s. 20.435 ~~(1)~~ (4) (hg).

11 **SECTION 91.** 153.60 (3) of the statutes is amended to read:

12 153.60 **(3)** The department shall, by the first October 1 after the  
13 commencement of each fiscal year, estimate the total amount of expenditures  
14 required for the collection, database development and maintenance and generation  
15 of public data files and standard reports for health care plans that voluntarily agree  
16 to supply health care data under s. 153.05 (6r). The department shall assess the  
17 estimated total amount for that fiscal year to health care plans in a manner specified  
18 by the department by rule and may enter into an agreement with the office of the  
19 commissioner of insurance for collection of the assessments. Each health plan that  
20 voluntarily agrees to supply this information shall pay the assessments on or before  
21 December 1. All payments of assessments shall be deposited in the appropriation  
22 under s. 20.435 ~~(1)~~ (4) (hg) and may be used solely for the purposes of s. 153.05 (6r).

23 **SECTION 92.** 153.65 of the statutes is amended to read:

24 **153.65 Provision of special information; user fees.** The department may,  
25 but is not required to, provide, upon request from a person, a data compilation or a



1 special report based on the information collected by the department. The  
2 department shall establish user fees for the provision of these compilations or  
3 reports, payable by the requester, which shall be sufficient to fund the actual  
4 necessary and direct cost of the compilation or report. All moneys collected under  
5 this section shall be credited to the appropriation under s. 20.435 (1) (4) (hi).

6 **SECTION 93.** 867.035 (4) of the statutes is amended to read:

7 867.035 (4) From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect  
8 to funds collected by the department under sub. (1) related to medical assistance paid  
9 on behalf of the decedent or the decedent's spouse, the department of health and  
10 family services shall pay claims under sub. (3), shall pay to the federal government  
11 from the amount recovered under this section and not paid out as claims under sub.  
12 (3) an amount equal to the amount of federal funds used to pay the benefits recovered  
13 under this section and shall spend the remainder of the amount recovered under this  
14 section for medical assistance benefits under subch. IV of ch. 49.

15 (END)

D-NOTE

To Sue Jablonsky:

as an amendment  
to s. 20.435(4) (gm)

1. This redraft ~~revises~~ revises dollar amounts in s. 20.435(4) (gm), which is created in this bill. The instructions for 1999 LRB-0320 requested these changes. The changes were not, however, included in 1999 LRB-0320, because s. 20.435(4) (gm) does not exist in current law and therefore cannot be amended.

2. I did not remember s. 20.435(1) (dg), as requested. As we discussed, this appropriation is sunsetted as of July 1, 1999, so the renumbering would serve no useful purpose.

DAK

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0028/3dn  
DAK:kmg:jf

November 9, 1998

To Sue Jablonsky:

1. This redraft revises dollar amounts in s. 20.435 (4) (gm), which is created in this bill. The instructions for 1999 LRB-0320 requested these changes as an amendment to s. 20.435 (4) (gm). The changes were not, however, included in 1999 LRB-0320, because s. 20.435 (4) (gm) does not exist in current law and therefore cannot be amended.

2. I did not renumber s. 20.435 (1) (dg), as requested. As we discussed, this appropriation is sunsetted as of July 1, 1999, so the renumbering would serve no useful purpose.

Debora A. Kennedy  
Assistant Chief Counsel  
266-0137

## **Kennedy, Debora**

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**From:** Jablonsky, Sue [sue.jablonsky@doa.state.wi.us]  
**Sent:** Wednesday, November 18, 1998 1:19 PM  
**To:** Kennedy, Debora  
**Subject:** FW: LRB Draft 0028/3dn

> -----Original Message-----

> From: Daggett, Cynthia

> Sent: Wednesday, November 18, 1998 12:52 PM

> To: Jablonsky, Sue

> Subject: LRB Draft 0028/3dn

>

> Per Andy Forsaith, the dollar amount on page 5 under (4)(gm) is correct in  
> fiscal year 1999-00 and should be \$297,200 in fiscal year 2000-01.

>

> If you have questions, please contact him.

>

> Hope you can make it tomorrow night.

>