

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/22/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters:

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

Extra Copies: **DAK**

Pre Topic:

SDC:.....Walter - #1831,

Topic:

Initial applicability of changes to MA divestment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	yacketa 06/22/99	gilfokm 06/22/99	martykr 06/22/99	_____	ismith 06/22/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/22/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies: DAK

Pre Topic:

SDC:.....Walter - #1831,

Topic:

Initial applicability of changes to MA divestment

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	yacketa	6/22 Kmj	dm 6/22	cb 6/22 dm 6/22			

FE Sent For:

<END>

yes

Agency: Health and Family Services - Public Health

caucus number 1831

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Clarify changes to expanded divestment restrictions adopted by JFC.

other notes

drafting instructions: See above and attached
more instructions:

caucus number 1832

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide additional \$300,000 increase in HIV prevention funding

50,000 each yr

other notes

drafting instructions: See above and attached
more instructions:

caucus number 2606

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #: page 419
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Three additions to Consolidated Contracts

other notes

drafting instructions: see attached memo
more instructions:

caucus number 2631

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #: pages 414-15
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Provide \$25,000 annually for a grant to the free clinic HealthNet of Janesville to support the provision of health care services to the homeless and low-income families with no health insurance

other notes

drafting instructions: see above
more instructions:

SENATE BUDGET AMENDMENT

CN 1831

Agency name: DHFS

Related Fiscal Bureau papers and motions:

Description: to clarify that the changes to the Expanded Divestment Restrictions adopted by JFC apply to transactions occurring on or after the effective date of the bill. (a change on behalf of the State Bar of Wisconsin Elder Law Section which takes away the inadvertent penalty for individuals who bought annuities that can now be counted as assets in determining medical assistance eligibility.)

Fiscal effect:

Attachments: State Bar of Wisconsin memo, Effective Date for Medical Assistance Divestment Changes



STATE BAR OF WISCONSIN

402 W. Wilson Street
P.O. Box 7158
Madison, WI 53707-7158

Budget Amendment: Effective Date for Medical Assistance Divestment Changes

Background: In his state budget, the Governor proposed changes in the medical assistance-divestment laws. The proposed changes would require that transactions, such as the purchase of an annuity, would have to meet certain criteria, or they would be counted as assets in determining medical assistance eligibility. The Joint Committee on Finance modified the provision by making the criteria more reasonable.

As the provision stands, though, it is unclear if the proposed changes would affect annuities or other transactions that occurred prior to the effective date of the state budget bill. Therefore, the State Bar's Elder Law Section supports amending the provision to clarify that the proposed changes cannot be applied retroactively.

Reason: Many individuals purchase annuities for retirement planning or investment purposes. One benefit of these types of investments is that under federal law, they are not penalized as divestments (not counted as assets), if the annuitant later needs to apply for medical assistance for nursing home care, for example. If these changes are applied retroactively, the new law will unfairly punish individuals who entered into these legitimate and lawful transactions believing that it would not affect their eligibility for medical assistance. It is especially troublesome because usually the purchase of an annuity is irrevocable and cannot be undone.

Motion: To clarify that the changes to the Expanded Divestment Restrictions (DHFS-Medical Assistance) adopted by the Joint Committee on Finance apply to transactions occurring on or after the effective date of the bill.

"The treatment of sections 49.453(4)(a) and (c) of the statutes first applies to transfers to an annuity, or a transfer by promissory note or similar instrument completed on the effective date of the Act."

If you have any questions, please contact Matt Bromley at 250-6128.





(2001)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0969/1

TAY... King
KWR

SDC:.....Walter - #1831, Initial applicability of changes to MA divestment

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

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

2

1. Page 1592, line 12: after that line insert:

init. app. sub. 4

3

“(f) MEDICAL ASSISTANCE DIVESTMENT. The treatment of section 49.453 (4) (title),
(a) and (c) of the statutes and the creation of section 49.453 (4) (a) 1. and 2. ~~and~~”

5

first apply to transfers made on the effective date of this subsection.”

6

(END)

, the renumbering and amendment of section 49.453 (4)(a) of the statutes

of the statutes

