

2001 DRAFTING REQUEST

Bill

Received: **09/20/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Herself**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters:

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

Extra Copies: **ISR**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Medicaid discrimination

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	kenneda 09/20/2000 kenneda 03/19/2001	csicilia 10/02/2000	pgreensl 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
/2	kenneda 03/19/2001	rschluet 03/20/2001 csicilia 03/22/2001	jfrantze 03/23/2001	_____	lrb_docadmin 03/23/2001	lrb_docadminS&L 03/11/2002	

FE Sent For: **01/10/2001.**

k@intro

<END>

2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: **kenneda**

Wanted: As time permits

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Herself**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters:

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

Extra Copies: **ISR**

Pre Topic:

No specific pre topic given

Topic:

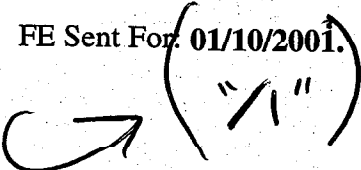
Medicaid discrimination

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	kenneda 09/20/2000 kenneda 03/19/2001	csicilia 10/02/2000	pgreensl 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L
/2	kenneda 03/19/2001	rschluet 03/20/2001 csicilia 03/22/2001	jfrantze 03/23/2001	_____	lrb_docadmin 03/23/2001		S&L

FE Sent For (01/10/2001.)


2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Herself

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies: ISR

Pre Topic:

No specific pre topic given

Topic:

Medicaid discrimination

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	kenneda 09/20/2000	csicilia 10/02/2000	pgreensl 10/04/2000	_____	lrb_docadmin 10/04/2000		S&L

FE Sent For:

1/2 cjs 3/22
01
2/6/23
2/6/19
3/23
 <END>

2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Herself

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies: ISR

Pre Topic:

No specific pre topic given

Topic:

Medicaid discrimination

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>
/?	kenneda	cjs /1 10/2 00	10/4 p8	10/4 RF			

FE Sent For:

<END>

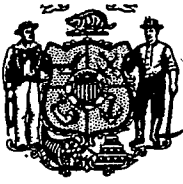
WISCONSIN STATE ASSEMBLY



PEGGY KRUSICK
STATE REPRESENTATIVE

TO: DEBORA KENNEDY, MANAGING ATTORNEY
FROM: Peggy Krusick
DATE: September 19, 2000
SUBJECT: Medicaid Discrimination (LRB-0041/1)

Please redraft LRB-0041/1 for the 2001-02 session. A copy of the former preliminary bill draft is attached. Thank you.



1999 BILL

Preliminary Bill Draft

By

Peggy Krusick

266-1733

1 **AN ACT to renumber** 49.498 (7) (a); **to amend** 49.498 (6) (a) and 49.498 (7) (b)
2 (intro.); and **to create** 49.498 (7) (ag), 49.498 (7) (am) 6. and 49.498 (7) (am) 7.
3 of the statutes; **relating to:** admission, denial of admission, provision of
4 services, transfer and discharge for individuals by nursing facilities.

Analysis by the Legislative Reference Bureau

Under current law, nursing homes that are certified to provide care that is reimbursed by medical assistance must meet numerous requirements and are prohibited from taking certain actions with respect to admissions. Nursing homes also must have identical policies and practices for transfer, discharge and service provision for all residents, regardless of payment.

This bill requires medical assistance-certified nursing homes to establish and maintain identical policies and practices for admission of all persons regardless of source of payment. The bill prohibits these nursing homes from considering the available source of payment when deciding to admit or expedite the admission of a person who is or will be entitled to medical assistance. Further, the bill requires that these nursing homes provide notice, in writing, to an applicant or to his or her guardian or agent within five days of deciding to admit, deny or delay the admission of the applicant. If the applicant is denied or his or her admission is delayed, the notice must include a statement of the reason for the denial or delay. Lastly, the bill clarifies that a nursing home must establish identical policies and practices concerning transfer, discharge and provision of services for all persons regardless of the source of their payment.

BILL

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

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

1 **SECTION 1.** 49.498 (6) (a) of the statutes is amended to read:

2 49.498 (6) (a) A nursing facility shall establish and maintain identical policies
3 and practices regarding transfer, discharge and the provision of services required
4 under the approved state medicaid plan for all individuals regardless of source of
5 payment.

6 **SECTION 2.** 49.498 (7) (a) of the statutes is renumbered 49.498(7)(am).

7 **SECTION 3.** 49.498 (7) (ag) of the statutes is created to read:

8 * 49.498 (7) (ag) A nursing facility shall establish and maintain identical policies
9 and practices regarding admission for all individuals regardless of source of
10 payment.

11 **SECTION 4.** 49.498 (7) (am) 6. of the statutes is created to read:

12 49.498 (7) (am) 6. A nursing facility may not consider an applicant's available
13 source of payment when making a decision to admit or expedite the admission of an
14 individual who is or will be entitled to medical assistance for nursing facility services.

15 **SECTION 5.** 49.498 (7) (am) 7. of the statutes is created to read:

16 49.498 (7) (am) 7. A nursing facility that decides to admit, deny or delay the
17 admission of an applicant shall provide, in writing, notice of the decision to the
18 applicant or his or her guardian or agent within 5 days of the decision. If the nursing
19 facility has decided to deny or delay admission of the applicant, the notice shall
20 include a statement of the reason for the denial or delay.

21 **SECTION 6.** 49.498 (7) (b) (intro.) of the statutes is amended to read:



In edit 9/20 after
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0418/1

DAK.....

[Handwritten signature]
cjs

2001 BILL

*LPS: please
proof w/ folio
as indicated*

1

AN ACT ... relating to: ???

Analysis by the Legislative Reference Bureau

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

2

(END)



1999 BILL

1 AN ACT *to renumber* 49.498 (7) (a); *to amend* 49.498 (6) (a) and 49.498 (7) (b)
 2 (intro.); and *to create* 49.498 (7) (ag), 49.498 (7) (am) 6. and 49.498 (7) (am) 7.
 3 of the statutes; **relating to:** admission, denial of admission, provision of
 4 services, transfer, and discharge for individuals by nursing facilities.

reger (handwritten note with arrow pointing to 'renumber')

nursing home (handwritten note with arrow pointing to 'nursing facilities')

Analysis by the Legislative Reference Bureau

Under current law, nursing homes that are certified to provide care that is reimbursed by medical assistance must meet numerous requirements and are prohibited from taking certain actions with respect to admissions. Nursing homes also must have identical policies and practices for transfer, discharge and service provision for all residents, regardless of payment.

This bill requires medical assistance-certified nursing homes to establish and maintain identical policies and practices for admission of all persons regardless of source of payment. The bill prohibits these nursing homes from considering the available source of payment when deciding to admit or expedite the admission of a person who is or will be entitled to medical assistance. Further, the bill requires that these nursing homes provide notice, in writing, to an applicant or to his or her guardian or agent within five days of deciding to admit, deny or delay the admission of the applicant. If the applicant is denied or his or her admission is delayed, the notice must include a statement of the reason for the denial or delay. Lastly, the bill clarifies that a nursing home must establish identical policies and practices concerning transfer, discharge and provision of services for all persons regardless of the source of their payment.

or

←

←

BILL

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

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

1 SECTION 1. 49.498 (6) (a) of the statutes is amended to read:

2 49.498 (6) (a) A nursing facility shall establish and maintain identical policies
3 and practices regarding transfer, discharge and the provision of services required
4 under the approved state medicaid plan for all individuals regardless of source of
5 payment.

6 SECTION 2. 49.498 (7) (a) of the statutes is renumbered 49.498(7)(am).

7 SECTION 3. 49.498 (7) (ag) of the statutes is created to read:

8 49.498 (7) (ag) A nursing facility shall establish and maintain identical policies
9 and practices regarding admission for all individuals regardless of source of
10 payment.

11 SECTION 4. 49.498 (7) (am) 6. of the statutes is created to read:

12 49.498 (7) (am) 6. A nursing facility may not consider an applicant's available
13 source of payment when making a decision to admit or expedite the admission of an
14 individual who is or will be entitled to medical assistance for nursing facility services.

15 SECTION 5. 49.498 (7) (am) 7. of the statutes is created to read:

16 49.498 (7) (am) 7. A nursing facility that decides to admit, deny or delay the
17 admission of an applicant shall provide, in writing, notice of the decision to the
18 applicant or his or her guardian or agent within 5 days of the decision. If the nursing
19 facility has decided to deny or delay admission of the applicant, the notice shall
20 include a statement of the reason for the denial or delay.

21 SECTION 6. 49.498 (7) (b) (intro.) of the statutes is amended to read:

BILL

proof as to lrb

1
2
3

49.498 (7) (b) (intro.) Paragraph (a) (am) may not be construed to do any of the following:

(END)

10/5/00

-0418

From Christian (Krusick's office)

Add C-BRF's

COP-Waiver (MA) funds are provided for
care in a C-BRF under s. 46.27(11)(c) 5m-a, b, or e.

3/19/01 Forwarded draft to hold

I have called Christian several times, indicating
the problems with the redraft request (i.e., s. 49.498
is inapplicable to C-BRF's, so the penalties, etc.
are inapplicable). He has, each time, indicated
that they would get back to me, but never has.

DAK

NOTE: If there is a fiscal effect to the bill, please submit the fiscal estimate worksheet.

DATE: Wednesday, January 10, 2001

SUBJECT: Fiscal Estimate for LRB Number 0418/1

2001 Bill Number

TO:

Department of Health and Family Services

Bonnie Niemann

Provide local
government costs.



Unintroduced

copy to

Rep. Krusick

1/25/01

Please provide the necessary information on fiscal estimate forms and return the original estimate and one copy of the estimate to Deborah Uecker no later than:

18-Jan-01

Deborah Uecker
Division of Executive Budget and Finance
101 East Wilson Street
Administration Building, 10th Floor
Madison, WI 53702

deborah.uecker@doa.state.wi.us
FAX: (608) 267-0372

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number 0418/1	Amendment Number if Applicable
Bill Number	Administrative Rule Number

Subject

Require nursing homes to establish admission practices regardless of source of payment

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs — May be possible to absorb within agency's budget.
 Yes No

Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory
3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

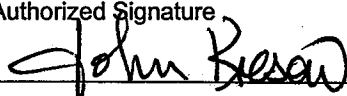
Under current law, nursing homes certified to provide care that is reimbursed by Medicaid (MA) may not transfer or discharge a patient without informing the patient or guardian of the patient of the reason for transfer or discharge. MA certified nursing homes may not transfer or discharge a patient based on source of payment.

The proposed bill expands current law to also apply to admissions to MA certified nursing homes. Under this bill, MA certified nursing homes would not be able to consider source of payment when deciding to admit or expedite admission of a patient. This bill would require MA certified nursing homes to notify an applicant whether the application resulted in an admission, denial or delay of admission within 5 days of the decision by the nursing home. If the application resulted in denial or delay of admission, the nursing home would be required to state the reason for denial or delay of the admission on the notification. Under this bill, the nursing home would not be allowed to consider source of payment when deciding on admission of an applicant.

This bill has no fiscal effect because the proposed legislation will not affect the number or method of MA payments to nursing homes.

A fiscal effect would occur if nursing homes favored, for admission, applicants with sources of payment that paid higher reimbursement rates over applicants with sources of payment that provided lower reimbursement rates. There are three main sources of payment for patients in nursing homes: Medicare, Medicaid (MA), and private pay. In general MA payments are the lowest of the three sources. If nursing homes discriminated against MA funded applicants in favor of applicants funded by sources with higher nursing homes reimbursement, then the proposed legislation would disallow such preferential admission practices and would negatively affect nursing homes' revenue. However, there is no evidence that nursing homes discriminate against MA applicants for admission in favor of applicants with other sources of payment. Therefore there is no estimated state or local fiscal effect.

Long-Range Fiscal Implications

Prepared By: Anne Miller	Telephone No. 266-5422	Agency DHFS/OSF
Authorized Signature 	Telephone No. 6-9622	Date (mm/dd/ccyy) 1-22-01

Soon - In edit 3/19

2001 - 2002 LEGISLATURE

LRB-0418/2

D-NOTE

DAK:cjs:ps

↑
Stays

2001 BILL

Regen cost

and community-based residential facilities that are providers of medical assistance

1 **AN ACT to renumber** 49.498 (7) (a); **to amend** 49.498 (6) (a) and 49.498 (7) (b)
 2 (intro); and **to create** 49.498 (7) (ag), 49.498 (7) (am) 6. and 49.498 (7) (am) 7.
 3 of the statutes; **relating to:** admission, denial of admission, provision of
 4 services, transfer, and discharge for individuals by nursing facilities.

Analysis by the Legislative Reference Bureau

Under current law, nursing homes that are certified to provide care that is reimbursed by medical assistance must meet numerous requirements and are prohibited from taking certain actions with respect to admissions. Nursing homes also must have identical policies and practices for transfer, discharge, and service provision for all nursing home residents, regardless of payment.

This bill requires medical assistance-certified nursing homes to establish and maintain identical policies and practices for admission of all persons regardless of source of payment. The bill prohibits these nursing homes from considering the available source of payment when deciding to admit or expedite the admission of a person who is or will be entitled to medical assistance. Further, the bill requires that these nursing homes provide notice, in writing, to an applicant or to his or her guardian or agent within five days of deciding to admit or deny or ~~or~~ delay the admission of the applicant. If the applicant is denied or his or her admission is delayed, the notice must include a statement of the reason for the denial or delay. Lastly, the bill clarifies that a nursing home must establish identical policies and practices concerning transfer, discharge, and provision of services for all persons regardless of the source of their payment.

INSERT A

BILL

For further information see the *state and local* 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:

INSERT 2-1

1 **SECTION 1.** 49.498 (6) (a) of the statutes is amended to read:

2 49.498 (6) (a) A nursing facility shall establish and maintain identical policies
3 and practices regarding transfer, discharge and the provision of services required
4 under the approved state medicaid plan for all individuals regardless of source of
5 payment.

6 **SECTION 2.** 49.498 (7) (a) of the statutes is renumbered 49.498(7)(am).

7 **SECTION 3.** 49.498 (7) (ag) of the statutes is created to read:

8 49.498 (7) (ag) A nursing facility shall establish and maintain identical policies
9 and practices regarding admission for all individuals regardless of source of
10 payment.

11 **SECTION 4.** 49.498 (7) (am) 6. of the statutes is created to read:

12 49.498 (7) (am) 6. A nursing facility may not consider an applicant's available
13 source of payment when making a decision to admit or expedite the admission of an
14 individual who is or will be entitled to medical assistance for nursing facility services.

15 **SECTION 5.** 49.498 (7) (am) 7. of the statutes is created to read:

16 49.498 (7) (am) 7. A nursing facility that decides to admit or deny or delay the
17 admission of an applicant shall provide, in writing, notice of the decision to the
18 applicant or his or her guardian or agent within 5 days of the decision. If the nursing
19 facility has decided to deny or delay admission of the applicant, the notice shall
20 include a statement of the reason for the denial or delay.

21 **SECTION 6.** 49.498 (7) (b) (intro.) of the statutes is amended to read:

medical assistance

1) INSERT A

Under current law, MA may be used to reimburse community-based residential facilities (C-BRFs) for services provided to a resident of the facility under the long-term support community options program, under the community integration program for persons relocated from the state centers for the developmentally disabled, and under the community integration program for persons relocated from institutions other than the state centers for the developmentally disabled or who meet MA-reimbursable standards of care. Numerous requirements apply to C-BRFs that receive the MA reimbursement.

STET
The bill prohibits a county, private nonprofit agency, or aging unit from using MA funds under the community options program or either community integration program to provide services in a C-BRF unless the C-BRF establishes and maintains identical policies and practices for admission, transfer, discharge, and service provision for all individuals regardless of source of payment; refrains from considering an applicant's available source of payment when deciding to admit the applicant or expedite his or her admission; and provides to an applicant, in writing, notice of a decision by the C-BRF to admit, deny, or delay the applicant's admission, within 5 days of the decision.

AX INSERT 1-2

five

1 SECTION 1. 46.27 (11) (c) 9. of the statutes is created to read:

2 46.27 (11) (c) 9. No county, private nonprofit agency or aging unit may use funds
3 received under this subsection to provide services in a community-based residential
4 facility unless the community-based residential facility does all of the following:

5 a. Establishes and maintains identical policies and practices regarding
6 admission, transfer, discharge, and service provision for all individuals regardless
7 of source of payment.

8 b. Refrains from considering an applicant's available source of payment when
9 deciding to admit or expedite the admission of an individual who is or will be entitled
10 to medical assistance for services of a community-based residential facility.

11 c. Provides to an applicant or his or her guardian or agent, in writing, within
12 5 days of a decision by the community-based residential facility to admit, deny, or
13 delay the admission of the applicant, notice of the decision. If the community-based

applicant

1 residential facility has decided to deny or delay admission of the applicant, the notice
2 shall include a statement of the reason for the denial or delay. ✓

3 ~~46.275~~ SECTION 2. 46.275 (5) (b) 8. of the statutes is created to read:

4 46.275 (5) (b) 8. Provide services in a community-based residential facility
5 unless the community-based residential facility does all of the following:

6 a. Establishes and maintains identical policies and practices regarding
7 admission, transfer, discharge, and service provision for all individuals regardless
8 of source of payment.

9 b. Refrains from considering an applicant's available source of payment when
10 deciding to admit or expedite the admission of an individual who is or will be entitled
11 to medical assistance for services of a community-based residential facility.

12 c. Provides to an applicant or his or her guardian or agent, in writing, within
13 5 days of a decision by the community-based residential facility to admit, deny, or
14 delay the admission of the applicant, notice of the decision. If the community-based
15 residential facility has decided to deny or delay admission of the applicant, the notice
16 shall include a statement of the reason for the denial or delay. ✓

17 ~~46.277~~ SECTION 3. 46.277 (5) (g) of the statutes is created to read:

18 46.277 (5) (g) No county or private nonprofit agency may use funds received
19 under this subsection to provide services in a community-based residential facility
20 unless the community-based residential facility does all of the following:

21 1. Establishes and maintains identical policies and practices regarding
22 admission, transfer, discharge, and service provision for all individuals regardless
23 of source of payment.

applicant

1
2
3
4
5
6
7
8
9

2. Refrains from considering an applicant's available source of payment when deciding to admit or expedite the admission of an individual who is or will be entitled to medical assistance for services of a community-based residential facility.

3. Provides to an applicant or his or her guardian or agent, in writing, within 5 days of a decision by the community-based residential facility to admit, deny, or delay the admission of the applicant, notice of the decision. If the community-based residential facility has decided to deny or delay admission of the applicant, the notice shall include a statement of the reason for the denial or delay.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0418/2dn

DAK:cjs:pg



To Representative Krusick:

I have had your redraft request for this bill for some time and apologize for my delay in getting the redraft to you. My conversations with Christian were inconclusive as to what to do with respect to the redraft, because there is no separate set of requirements for community-based residential facilities that are certified to provide medical assistance, as there is for nursing homes. What I finally decided to do was to trace through the statutes those instances under which community-based residential facilities are authorized to provide medical assistance and to separately amend each of those provisions. Further, because there was no established penalty provision in these sections, as there is in the nursing home statutes under s. 49.498, stats., I decided to condition receipt of medical assistance on compliance by community-based residential facilities with requirements in the bill concerning applications for admission, etc. Please review this carefully and let me know if this is the direction in which you want the draft to go.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0418/2dn
DAK:cjs:jf

March 23, 2001

To Representative Krusick:

I have had your redraft request for this bill for some time and apologize for my delay in getting the redraft to you. My conversations with Christian were inconclusive as to what to do with respect to the redraft, because there is no separate set of requirements for community-based residential facilities that are certified to provide medical assistance, as there is for nursing homes. What I finally decided to do was to trace through the statutes those instances under which community-based residential facilities are authorized to provide medical assistance and to separately amend each of those provisions. Further, because there was no established penalty provision in these sections, as there is in the nursing home statutes under s. 49.498, stats., I decided to condition receipt of medical assistance on compliance by community-based residential facilities with requirements in the bill concerning applications for admission, etc. Please review this carefully and let me know if this is the direction in which you want the draft to go.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Basford, Sarah

From: Basford, Sarah
Sent: Thursday, February 28, 2002 1:30 PM
To: Rep.Krusick
Subject: LRB -0418/2 (attached)



01-0418/2

Sarah Basford

Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us

Beam, Laura

From: Rep.Krusick
Sent: Monday, March 11, 2002 4:51 PM
To: LRB.Legal
Subject: Jacket LRB-0418/2

Please jacket LRB-0418/2 for introduction in the Assembly. Thanks.

Peggy Krusick
128 North