

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: **03/11/2002**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8799**

By/Representing: **Morgan**

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

Drafter: **kenneda**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

LFB:.....Morgan -

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**Topic:**

MA direct care nursing home increase in Medicare labor regions

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**Instructions:**

See Attached

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**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 03/12/2002	hhagen 03/12/2002	pgreensl 03/12/2002	_____	lrb_docadmin 03/12/2002		
/2	kenneda 03/13/2002	hhagen 03/13/2002	pgreensl 03/13/2002	_____	lrb_docadmin 03/13/2002		

FE Sent For:

<END>



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1?	kenneda	l, hmh 3/12/02	3/12 pg	3/12 see			

FE Sent For:

<END>

**Kennedy, Debora**

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**From:** Morgan, Charlie  
**Sent:** Monday, March 11, 2002 10:17 AM  
**To:** Kennedy, Debora  
**Cc:** Megna, Richard; Lund, C. David  
**Subject:** Medicare Labor Region Amendment

Debora:

I was unable to reach Dave Lund (DHFS MA Nursing Home chief) about the Medicare labor region amendment this morning. However, I spoke with Richard Megna in the DHFS Office of Strategic Finance and he will try to get answers to my questions. Based on my conversation with Richard, I think that the amendment should be drafted to say something like..."In determining the labor region adjustment under s.49.45(6m)(ar) 1 for facilities in Pierce and St. Croix counties, the Department shall use the same wage index used by the U.S. Department of Health and Human Services for hospital reimbursement under Title 18 of the Social Security Act." I am still waiting to get information on the amount of funding that should be provided under s. 20.435(4)(w) to fund this proposal. I will let you know as soon as DHFS gets back to me.  
Thanks. Charlie

42 USC 1395 to 1395 ggg

3/11/02 From Charlie:

20.435(4)(w) should be increased by  
\$336,900 for 02-03



( TUES 3/12 )  
**State of Wisconsin**  
 2001 - 2002 LEGISLATURE  
 January 2002 Special Session

LRBb2399/1  
 DAK: hmb

LFB:.....Morgan – MA direct care nursing home increase in Medicare labor regions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO ASSEMBLY BILL 1**

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

2           **1.** Page 38, line 20: after that line insert:

3           “SECTION ~~121T~~ <sup>No CS</sup> 49.45 (6m) (ar) 1. a. of the statutes is amended to read: X

4           49.45 (6m) (ar) 1. a. The department shall establish standards for payment of

5           allowable direct care costs, for facilities that do not primarily serve the

6           developmentally disabled, that take into account direct care costs for a sample of all

7           of those facilities in this state and separate standards for payment of allowable direct

8           care costs, for facilities that primarily serve the developmentally disabled, that take

9           into account direct care costs for a sample of all of those facilities in this state. The

10          standards shall be adjusted by the department for regional labor cost variations. For

1 facilities in Pierce and St. Croix counties, the department shall perform the  
2 adjustment by use of the wage index that is used by the federal department of health  
3 and human services for hospital reimbursement under 42 USC 1395 to 1395ggg. <sup>11</sup>

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38.

4 **2. Page 394, line 22: after that line insert:**

5 **(?)** <sup>(20f)</sup> **MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE LABOR**  
6 **REGIONS. In the schedule under section 20.005 (3) of the statutes for the appropriation**  
7 **to the department of health and family services under section 20.435 (4) (w) of the**  
8 **statutes, as affected by the acts of 2001, the dollar amount is increased by \$336,900**  
9 **for fiscal year 2002–03 to provide under section 49.45 (6m) (ar) 1. a. of the statutes,**  
10 **as affected by this act, for direct care costs in Pierce and St. Croix counties under the**  
11 **Medicare hospital reimbursement wage index.”.**

12 **(END)**



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2399/2  
DAK:hmh:ps  
Stays

DNOTE

LFB:.....Morgan – MA direct care nursing home increase in Medicare labor regions

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12

(END)

INSERT 2-11

D-NOTE



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb2399/2ins  
DAK:hmh:pg

1            INSERT 2-11

2            1. Page 435, line 24: after that line insert:

3            ~~(3)~~ MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE LABOR  
4            REGIONS. The treatment of section 49.45 (6m) (ar) 1. a. of the statutes first applies to  
5            payment made for direct care services provided by a facility on July 1, 2002.”

*last  
app.*

(3f)

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

b 2399 | 2  
LRBBudadj01/dn  
DAK: Amb

Date

A Wisconsin court could find that this amendment is a "private or local law" which, under art. IV, sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget adjustment bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place or thing is a private or local law within the meaning of art. 4, sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

~~Query for: LRBBudadj01/dn~~

DAK

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

LRBb2399/2dn  
DAK:hmh:pg

March 13, 2002

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



State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2399/2  
DAK:hmh:pg

LFB:.....Morgan – MA direct care nursing home increase in Medicare labor regions

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17 (END)