

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **06/19/2002**

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**

Pre Topic:

LFB:.....Morgan -

Topic:

MA nursing home payments--Labor region adjustment

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 06/19/2002	gilfokm 06/19/2002					
/1			rschluet 06/20/2002		lrb_docadmin 06/20/2002		

FE Sent For:

<END>

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1?	kenneda	6/19 Kmg		pb			
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FE Sent For:

6-20-2

<END>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 18, 2002

TO: Representative John Gard
Room 308 East, State Capitol

FROM: Bob Lang, Director

SUBJECT: Budget Proposal

At your request, I have prepared the attached document which identifies your proposal on 257 items of SS AB 1.

The proposal includes 255 of the 256 items of agreement from the June 14 proposals of the two houses. The one deleted item is Item #1 under Commerce ("Wisconsin Development Fund").

The two additional items of the proposal are the Assembly's position on Item #3 under Employment Relations Commission ("Teacher Preparation Time as a Mandatory Subject of Bargaining") and Item #2 under Financial Institutions ("Universal Banking").

BL/lah
Attachment

	<u>Chc. to Jt. Finance</u>		<u>Chc. to Jt. Finance</u>	
	<u>Amount</u>	<u>Fund</u>	<u>Amount</u>	<u>Fund</u>
2. Appointment of Assistant County Veterans Service Officers				
	Senate		Senate	
	<u>Assembly Proposal (June 18)</u>		<u>Senate Proposal (June 14)</u>	
3. Veterans Transportation Services Grants	Senate		Senate	
4. Residency Requirements for Burial of Certain Veterans in Veterans Cemeteries	Senate		Senate	

HEALTH AND FAMILY SERVICES AND INSURANCE

Child Abuse and Neglect Prevention Board (pg. 79)

1. Program Revenue Lapse	Senate (Current Law)	-\$27,200	GPR-REV	Senate (Current Law)	-\$27,200	GPR-REV
		-\$27,200	PR-Lapse		-\$27,200	PR-Lapse

Health and Family Services (pg. 79)

1. MA and BadgerCare Prescription Drugs -- Joint Finance Prior Authorization

Joint Finance

3. MA Disease Management

Assembly

4. BadgerCare Eligibility for Unborn Children

Senate (Current Law)

5. MA Nursing Home Payments -- Labor Region Adjustment for Homes in St. Croix and Pierce County

\$513,900 SEG
\$725,100 FED

Assembly modified to also require DHFS to use the Medicare labor index for all nursing homes in Douglas County.

\$513,900 SEG
\$725,100 FED

6. MA Provider Fraud and Abuse

Senate

9. Grants for Community Health Centers

\$3,075,000 GPR

Senate modified to: (a) restore grants for community health centers to current law; and (b) authorize DHFS to carry over funds budgeted in 2001-02 for rural dental clinics to 2002-03.

\$3,075,000 GPR

10. Statewide Trauma Care System

Assembly

11. Public Health Emergencies

Assembly

Thurs. (2001 - In edit 6/19)

2001 - 2002 LEGISLATURE

January 2002 Special Session

30591
LRBb2899/2-
DAK:mb:pg
KMG

D-NOTE

payments - A

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

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. 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

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

Douglas,

1

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."

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

5 "20^x MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE
6 LABOR REGIONS. In the schedule under section 20.005 (3) of the statutes for the
7 appropriation to the department of health and family services under section 20.435
8 (4) (w) of the statutes, as affected by the acts of 2001, the dollar amount is increased
9 by ~~\$533,900~~ for fiscal year 2002-03 to provide under section 49.45 (6m) (ar) 1. a. of
10 the statutes, as affected by this act, for direct care costs in Pierce and St. Croix
11 counties under the Medicare hospital reimbursement wage index."

Douglas,

12 ✓ 3. Page 435, line 24: after that line insert:

13 "2^x MEDICAL ASSISTANCE DIRECT CARE NURSING HOME INCREASE IN MEDICARE
14 LABOR REGIONS. The treatment of section 49.45 (6m) (ar) 1. a. of the statutes first
15 applies to payment made for direct care services provided by a facility on July 1,
16 2002."

(END)

\$513,900

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb2002dn
DAK:ma:pg

3059/1

dmj

March 13, 2002

IB

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. IV, 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.

LPS:
Leave as is; this is quoted text. →
→ *5+ET*

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

LRBb3059/1dn
DAK:kmg:rs

June 20, 2002

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.

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

LRBb3059/1

DAK:kmg:rs

LFB:.....Morgan – MA nursing home payments — Labor region adjustment

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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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

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16 2002.”.

17 (END)