

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: isagerro

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Addl. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies: DAK

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN5539,

Topic:

MA for youths leaving out-of-home care

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	isagerro 06/17/2001	hhagen 06/17/2001	pgreensl 06/18/2001	_____	lrb_docadmin 06/18/2001		
	isagerro 06/18/2001	hhagen 06/18/2001		_____			
/2			pgreensl 06/18/2001	_____	lrb_docadmin 06/19/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/?	isagerro	l. kmh 6/17/01	6/18 pg	6/18 LE/PG			

FE Sent For:

<END>

60741

Senator Plache

HEALTH AND FAMILY SERVICES – CHILDREN AND FAMILIES

Youths Leaving Out-of-Home Care

[LFB Paper #511]

CN5539

ISR

Motion:

Move to provide \$54,900 GPR and \$77,500 FED in 2002-03 to extend MA coverage to individuals leaving out-of-home care, effective January 1, 2003, and specify that this would first apply to individuals leaving out-of-home care on January 1, 2003. Specify that individuals would be eligible until they become 20 years of age, after which they would no longer be eligible for MA under this provision. In addition, require county departments of community programs to give first priority for mental health services to individuals who were eligible for MA under the MA expansion described in this motion, if state, federal and county funding for mental health services these departments provide is insufficient to meet the needs of all individuals. In addition, require county departments of community programs to give second priority for alcohol and other drug abuse services to individuals, who were eligible for MA under the MA expansion described in this motion, effective January 1, 2003, if state, federal and county funding for alcohol and other drug abuse treatment services is insufficient to meet the needs of all eligible individuals. These individuals would only be eligible for service priority while they are 20 years of age.

AFCMA Category?

Failed 8-8
 Dems: yes
 Reps: No

42 USC B96d (w)(1)

Note:

This motion would extend MA coverage to individuals who leave out-of-home care, effective January 1, 2003, through 20 years of age, at an annualized cost of \$1,815,600 (\$753,400 GPR and \$1,062,200 FED). This would first apply to individuals leaving out-of-home care on January 1, 2003. In addition, this motion would require county departments of community programs to give service priority for mental health and substance abuse treatment services to individuals eligible for MA under the MA expansion described in this motion. These individuals would only be eligible for service priority while they are 20 years of age.

[Change to Bill: \$54,900 GPR and \$77,500 FED]

Motion #1222

* Per Rachel Carabell, there is no income limit
 * AM 49,46 (1)(a) 5.
 * Eff. Jan 1, 2003

UNITED STATES CODE SERVICE
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*** THIS SECTION IS CURRENT THROUGH 106-263, APPROVED 8/18/00 ***
*** WITH THE EXCEPTION OF 106-260 AND 106-261 ***

TITLE 42. THE PUBLIC HEALTH AND WELFARE
CHAPTER 7. SOCIAL SECURITY ACT
TITLE XIX. GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

42 USCS § 1396a (2000)

§ 1396a. State plans for medical assistance

(a) Contents. A State plan for medical assistance must--

(1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them;

(2) provide for financial participation by the State equal to not less than 40 per centum of the non-Federal share of the expenditures under the plan with respect to which payments under section 1903 [42 USCS § 1396b] are authorized by this title [42 USCS §§ 1396 et seq.]; and, effective July 1, 1969, provide for financial participation by the State equal to all of such non-Federal share or provide for distribution of funds from Federal or State sources, for carrying out the State plan, on an equalization or other basis which will assure that the lack of adequate funds from local sources will not result in lowering the amount, duration, scope, or quality of care and services available under the plan;

(3) provide for granting an opportunity for a fair hearing before the State agency to any individual whose claim for medical assistance under the plan is denied or is not acted upon with reasonable promptness;

(4) provide (A) such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods, and including provision for utilization of professional medical personnel in the administration and, where administered locally, supervision of administration of the plan) as are found by the Secretary to be necessary for the proper and efficient operation of the plan, (B) for the training and effective use of paid subprofessional staff, with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency, (C) that each State or local officer, employee, or independent contractor who is responsible for the expenditure of substantial amounts of funds under the State plan, each individual who formerly was such an officer, employee, or contractor, and each partner of such an officer, employee, or contractor shall be prohibited from committing any act, in relation to any activity under the plan, the commission of which, in connection with any activity concerning the United States Government, by an officer or employee of the United States Government, an individual who was such an officer or employee, or a partner of such an officer or employee is prohibited by section 207 or 208 of title 18, United States Code,

and (D) that each State or local officer, employee, or independent contractor who is responsible for selecting, awarding, or otherwise obtaining items and services under the State plan shall be subject to safeguards against conflicts of interest that are at least as stringent as the safeguards that apply under section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) to persons described in subsection (a)(2) of such section of that Act;

(5) either provide for the establishment or designation of a single State agency to administer or to supervise the administration of the plan; or provide for the establishment or designation of a single State agency to administer or to supervise the administration of the plan, except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under title I or XVI [42 USCS §§ 301 et seq. or 1381 et seq.] (insofar as it relates to the aged) if the State is eligible to participate in the State plan program established under title XVI [42 USCS §§ 1381 et seq.], or by the agency or agencies administering the supplemental security income program established under title XVI [42 USCS §§ 1381 et seq.] or the State Plan approved under part A of title IV [42 USCS §§ 601 et seq.] if the State is not eligible to participate in the State plan program established under title XVI [42 USCS §§ 1381 et seq.];

(6) provide that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time require, and comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports;

(7) provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan;

(8) provide that all individuals wishing to make application for medical assistance under the plan shall have opportunity to do so, and that such assistance shall be furnished with reasonable promptness to all eligible individuals;

(9) provide--

(A) that the State health agency, or other appropriate State medical agency (whichever is utilized by the Secretary for the purpose specified in the first sentence of section 1864(a) [42 USCS § 1395aa(a)]), shall be responsible for establishing and maintaining health standards for private or public institutions in which recipients of medical assistance under the plan may receive care or services,

(B) for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards, other than those relating to health, for such institutions, and

(C) that any laboratory services paid for under such plan must be provided by a laboratory which meets the applicable requirements of section 1861(e)(9) [42 USCS § 1395x(e)(9)] or paragraphs (16) and (17) of section 1861(s) [42 USCS § 1395x(s)(16) and (17)], or, in the case of a laboratory which is in a rural health clinic, of section 1861(aa)(2)(G) [42 USCS § 1395x(aa)(2)(G)];

(10) provide--

(A) for making medical assistance available, including at least the care and services listed in paragraphs (1) through (5), (17) and (21) of section 1905(a) [42 USCS § 1396d(a)(1)-(5), (17) and (21)], to--

(i) all individuals--

(I) who are receiving aid or assistance under any plan of the State approved under title I, X, XIV, or XVI, or part A or part E of title IV [42 USCS §§ 301 et seq., 1201 et seq., 1351 et seq., or 1381 et seq., or 601 et seq. or 670 et seq.] (including individuals eligible under this title [42 USCS §§

section 1905(u)(2)(B) [42 USCS § 1396d(u)(2)(B)];

(XV) [Caution: This subclause applies to medical assistance for § items and services furnished on or after Oct. 1, 2000, pursuant to § 201(d) of

Act Dec. 17, 1999, P.L. 106-170, which appears as a note to this section.] who, but for earnings in excess of the limit established under section 1905(q)(2)(B) [42 USCS § 1396d(q)(2)(B)], would be considered to be receiving supplemental security income, who is at least 16, but less than 65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;

(XVI) [Caution: This subclause applies to medical assistance for items and services furnished on or after Oct. 1, 2000, pursuant to § 201(d) of Act Dec. 17, 1999, P.L. 106-170, which appears as a note to this section.] who are employed individuals with a medically improved disability described in section 1905(v)(1) [42 USCS § 1396d(v)(1)] and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV); or

(XVII) who are independent foster care adolescents (as defined in section 1905(w)(1) [42 USCS § 1396d(w)(1)]), or who are within any reasonable categories of such adolescents specified by the State;

(B) that the medical assistance made available to any individual described in subparagraph (A)--

(i) shall not be less in amount, duration, or scope than the medical assistance made available to any other such individual, and

(ii) shall not be less in amount, duration, or scope than the medical assistance made available to individuals not described in subparagraph (A);

(C) that if medical assistance is included for any group of individuals described in section 1905(a) [42 USCS § 1396d(a)] who are not described in subparagraph (A) or (E), then--

(i) the plan must include a description of (I) the criteria for determining eligibility of individuals in the group for such medical assistance, (II) the amount, duration, and scope of medical assistance made available to individuals in the group, and (III) the single standard to be employed in determining income and resource eligibility for all such groups, and the methodology to be employed in determining such eligibility, which shall be no more restrictive than the methodology which would be employed under the supplemental security income program in the case of groups consisting of aged, blind, or disabled individuals in a State in which such program is in effect, and which shall be no more restrictive than the methodology which would be employed under the appropriate State plan (described in subparagraph (A)(i)) to which such group is most closely categorically related in the case of other groups;

(ii) the plan must make available medical assistance--

(I) to individuals under the age of 18 who (but for income and resources) would be eligible for medical assistance as an individual described in subparagraph (A)(i), and

(II) to pregnant women, during the course of their pregnancy, who (but for income and resources) would be eligible for medical assistance as an individual described in subparagraph (A);

(iii) such medical assistance must include (I) with respect to children under 18 and individuals entitled to institutional services, ambulatory services, and (II) with respect to pregnant women, prenatal care and delivery services; and

(E) is employed (as defined in paragraph (2));

(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) [<=149> 42 USCS @ 1396a(a)(10)(A)(ii)(XV)] because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3) [<=150> 42 USCS @ 423(d) or 1382c(a)(3)]; and

(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

(2) For purposes of paragraph (1), an individual is considered to be "employed" if the individual--

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act <=151> (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.

(w) Independent foster care adolescent.

(1) For purposes of this title [<=152> 42 USCS @@ 1396 et seq.], the term "independent foster care adolescent" means an individual--

(A) who is under 21 years of age;

(B) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b) [<=153> 42 USCS @ 1396u-1(b)].

(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XVII) [<=154> 42 USCS @ 1396a(a)(10)(A)(ii)(XVII)] to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV [<=155> 42 USCS @@ 670 et seq.] before the date the individuals attained 18 years of age.

42 USCS
1396d(w)

HISTORY: (Aug. 14, 1935, ch 531, Title XIX, @ 1905, as added July 30, 1965, P.L. 89-97, Title I, Part 2, @ 121(a), 79 Stat. 351; Jan. 2, 1968, P.L. 90-248, Title II, Part 2, @@ 230, 233, Part 3, @ 241(f)(6), Part 4, @ 248(e),

From PL 106-554 @ 1(a)(6) 114 Stat. 2763

SDC:.....Keckhaver – CN5539, MA for youths leaving out-of-home care
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS LFB AMENDMENT
TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

NOT

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

2 1. Page 208, line 6: increase the dollar amount for fiscal year 2002-03 by
3 \$54,900 for the purpose of increasing funding to provide medical assistance to
4 independent foster care adolescents.

5 2. Page 632, line 4: after that line insert:

6 "SECTION 1799f. 49.46 (1) (a) 5m. of the statutes is created to read:

7 49.46 (1) (a) 5m. Any individual who is at least 18 years of age but under 20
8 years of age and who, on his or her 18th birthday, was in adoption assistance, foster
9 care, kinship care, long-term kinship care, or treatment foster care placement under
10 ch. 48 or 938, as determined by the department."

11 3. Page 656, line 11: delete lines 11 to 22 and substitute:

*Insert
1-11* →

1 4. Page 1399, line 20: after that line insert:

2 “(16f) MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS. The
3 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes
4 first applies to individuals leaving adoption assistance, foster care, kinship care,
5 long-term kinship care, or treatment foster care placement on the effective date of
6 this subsection.”.

7 5. Page 1420, line 19: after that line insert:

8 ¹⁷⁶~~(16f)~~ MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS. The
9 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes
10 and section 9323 (16f) of this act takes effect on January 1, 2003.”.

CS

(END)

11

her 18th birthday. Also, under the bill, if state, federal, and county funds for mental health services are insufficient to meet the needs of all individuals eligible for mental health services, this bill requires the county departments to give first priority for the services to independent foster care adolescents.

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 1968d
SECTION 1. 51.42 (3) (ar) 4m. of the statutes is amended to read:
2 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
3 drug abuse treatment services provided under subd. 4. are insufficient to meet the
4 needs of all eligible individuals, ensure that first priority for services is given to
5 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
6 and that second priority be given to ~~independent foster care adolescents, as defined~~ *individuals who are 20 years of age and were*

7 ~~in 42 USC 1396d (w) (1).~~
8 1968dh
SECTION 2. 51.42 (3) (ar) 4p. of the statutes is created to read:
9 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
10 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
11 ensure that first priority for services is given to ~~independent foster care adolescents,~~ *or older*
12 ~~as defined in 42 USC 1396d (w) (1).~~ *eligible*
13 *for the medical assistance program under s. 49.46(1) but became ineligible for the program solely because they attained the age of 20*

(END)

Individuals who are 20 years of age and were eligible for the medical assistance program under s. 49.46(1)(a) 5m. but became ineligible for the program solely because they attained the age of 20.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0741/1dn

ISR: *hmv*

Dak

I assumed that the amounts in the schedule for the appropriation under s. 20.435 (4) (b) should be increased. Please let me know if this was not your intent.

Please feel free to contact me with any questions or concerns you may have.

Ivy G. Sager-Rosenthal
Legislative Attorney
Phone: (608) 261-4455
E-mail: ivy.sager-rosenthal@legis.state.wi.us

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

LRBb0741/1dn
ISR:hmh:pg

June 18, 2001

I assumed that the amounts in the schedule for the appropriation under s. 20.435 (4) (b) should be increased. Please let me know if this was not your intent.

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E-mail: ivy.sager-rosenthal@legis.state.wi.us



2
RM NOT run
stays

SDC:.....Keckhaver - CN5539, MA for youths leaving out-of-home care

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 208, line 6: increase the dollar amount for fiscal year 2002-03 by
3 \$54,900 for the purpose of increasing funding to provide medical assistance to
4 independent foster care adolescents.

5 2. Page 632, line 4: after that line insert:

6 "SECTION 1799f. 49.46 (1) (a) 5m. of the statutes is created to read:

7 49.46 (1) (a) 5m. Any individual who is at least 18 years of age but under 20
8 years of age and who, on his or her 18th birthday, was ~~in adoption assistance,~~
9 care, ~~kinship care, long-term kinship care,~~ foster care placement under
10 ch. 48 or 938, as determined by the department."

1 **3.** Page 656, line 11: delete lines 11 to 22 and substitute:

2 “**SECTION 1968d.** 51.42 (3) (ar) 4m. of the statutes is amended to read:

3 51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
4 drug abuse treatment services provided under subd. 4. are insufficient to meet the
5 needs of all eligible individuals, ensure that first priority for services is given to
6 pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
7 and that second priority be given to individuals who are 20 years of age ~~or older~~ were
8 eligible for the medical assistance program under s. 49.46 (1) (a) 5m. but became
9 ineligible for the program solely because they attained the age of 20.

10 **SECTION 1968dh.** 51.42 (3) (ar) 4p. of the statutes is created to read:

11 51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
12 provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
13 ensure that first priority for services is given to individuals who are 20 years of age
14 ~~or older~~ and were eligible for the medical assistance program under s. 49.46 (1) (a)
15 5m. but became ineligible for the program solely because they attained the age of
16 20.”.

17 **4.** Page 1399, line 20: after that line insert:

18 “(16f) **MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS.** The
19 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes
20 first applies to individuals leaving ~~adoption assistance~~ foster care, ~~kinship care,~~
21 ~~long-term kinship care,~~ or treatment foster care placement on the effective date of
22 this subsection.”.

23 **5.** Page 1420, line 19: after that line insert:

1 *(17g) MEDICAL ASSISTANCE FOR INDEPENDENT FOSTER CARE ADOLESCENTS. The
2 treatment of sections 49.46 (1) (a) 5m. and 51.42 (3) (ar) 4m. and 4p. of the statutes
3 and SECTION 9323 (16f) of this act take effect on January 1, 2003.”

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SDC:.....Keckhaver – CN5539, MA for youths leaving out-of-home care

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