

2001 Assembly Bill 274

Date of enactment: **July 10, 2001**  
Date of publication\*: **July 24, 2001**

# 2001 WISCONSIN ACT 13

AN ACT *to amend* 49.45 (6u) (intro.); and *to create* 25.17 (1) (jv) and 25.77 of the statutes; **relating to:** supplemental medical assistance payments to reduce operating deficits of county, city, village, or town nursing homes, creating a medical assistance trust fund, and requiring payments or completion of payments to facilities for wage or salary and fringe benefits supplements.

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

**SECTION 1.** 25.17 (1) (jv) of the statutes is created to read:

25.17 (1) (jv) Medical assistance trust fund (s. 25.77);

**SECTION 2.** 25.77 of the statutes is created to read:

**25.77 Medical assistance trust fund.** There is created a separate nonlapsible trust fund designated as the medical assistance trust fund, consisting of all of the following:

(1) All federal moneys received that are related to payments under s. 49.45 (6m) and are based on public funds that are transferred or certified under 42 CFR 433.51 (b) and used as the non-federal share of medical assistance funding.

(2) All public funds that are related to payments under s. 49.45 (6m) and that are transferred or certified under 42 CFR 433.51 (b) and used as the non-federal and federal share of medical assistance funding.

**SECTION 3.** 49.45 (6u) (intro.) of the statutes is amended to read:

49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.) Notwithstanding sub. (6m), from the appropriation under s. 20.435 (4) (o), for reduction of

operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 3., that is established under s. 49.70 (1) or that is owned and operated by a city, village or town, the department may not distribute to these facilities more than \$38,600,000 ~~\$40,100,000~~ in each fiscal year, as determined by the department, ~~except that the department shall also distribute for this same purpose from the appropriation under s. 20.435 (4) (o) any additional federal medical assistance moneys that were not anticipated before enactment of the biennial budget act or other legislation affecting s. 20.435 (4) (o).~~ The total amount that a county certifies under this subsection may not exceed 100% of otherwise-unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

**SECTION 3m. Nonstatutory provisions.**

(1) PAYMENTS OR COMPLETION OF PAYMENTS TO FACILITIES FOR WAGE OR SALARY AND FRINGE BENEFITS SUPPLEMENTS. Notwithstanding 1999 Wisconsin Act 9, section 9123 (9m) (c), the department of health and family services shall, before July 1, 2001, pay or complete payment, as appropriate, of all moneys required to be paid under 1999 Wisconsin Act 9, section 9123 (9m) (a), to each facility, as defined under section 49.45 (6m) (a) 3. of the statutes, that applied for the moneys in accordance

\* Section 991.11, WISCONSIN STATUTES 1999-00 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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with 1999 Wisconsin Act 9, section 9123 (9m) (a) and appealed, before January 30, 2001, a decision by the department of health and family services under 1999 Wisconsin Act 9, section 9123 (9m) (c).

**SECTION 4. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SUPPLEMENTAL MEDICAL ASSISTANCE PAYMENTS TO NURSING HOMES. The treatment of section 49.45 (6u) (intro.) of the statutes takes effect retroactively to July 1, 2000.

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