

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/13/2002**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Blaine**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

**Pre Topic:**

DOA:..... Blaine - BB0002

---

**Topic:**

Eliminate comprehensive community services as an MA benefit

---

**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>
/?	pkahler 09/16/2002	kgilfoy 09/19/2002		_____			Local
/P1	pkahler 02/05/2003	jdyer 02/06/2003	rschluet 09/20/2002	_____	sbasford 09/20/2002		Local
/1			rschluet	_____	amentkow		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/06/2003 _____		02/06/2003		

FE Sent For:

<END>

### 2003 DRAFTING REQUEST

#### Bill

Received: **09/13/2002**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Blaine**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

#### Pre Topic:

DOA:..... Blaine -

---

#### Topic:

Eliminate comprehensive community services as an MA benefit

---

#### 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>
/?	pkahler 09/16/2002	kgilfoy 09/19/2002					Local
/P1		1/2 jld	rschluet 09/20/2002		sbasford 09/20/2002		

*(Handwritten signatures and initials)*  
 2-6-3  
 CPH

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 09/13/2002

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Administration-Budget

By/Representing: Blaine

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Public Assistance - med. assist.

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:..... - Blaine

Topic:

Eliminate comprehensive community services as an MA benefit

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>
		1/1-9/17 kmg					
FE Sent For:							

<END>

9-19-02

**DHFS****DRAFT**

**Department of Health and Family Services  
2003-2005 Biennial Budget Statutory Language Request  
June 24, 2002**

## Comprehensive Community Services

### Current Language

S. 49.45(30e) authorizes the Department to offer comprehensive community services (CCS) for individuals with mental illness as a MA benefit if counties agree to pay the non-federal share of the service costs.

### Proposed Change

Delete s. 49.45(30e)

### Effect of the Change

The change would eliminate CCS as an MA benefit.

### Rationale for the Change

The Legislature authorized the Department to offer the CCS benefit in the 1997-1999 biennial budget. CCS programs would be county run programs that provide treatment and services to individuals with mental illness who live in the community. CCS programs would be similar to county Community Support Programs (CSPs), except that CCS would serve individuals with less severe mental illnesses and provide less intensive and less structured services than CSP. The statutes specify that counties must provide funding for the non-federal portion of CCS costs, and therefore, no GPR funding was provided for the benefit.

The Department has postponed implementation of CCS because of the risk of litigation over waiting lists in county CSP programs. The Wisconsin Coalition for Advocacy has contended that CSP waiting lists violate a federal requirement that Medicaid services be delivered with "reasonable promptness." In FY 01, the Coalition indicated that unless the state provided more funding to eliminate CSP waiting lists, it would initiate class action litigation to force the state to eliminate them. In the 2001-2003 biennial budget, the Legislature provided \$1 million GPR per year for counties to address the waiting lists.

# DRAFT

If the Department implements the CCS benefit, county CCS programs could eventually develop waiting lists as well, which advocates could argue are illegal. No funding has been budgeted for the Department to address the waiting lists.

**Desired Effective Date:** Upon passage  
**Agency:** DHFS  
**Agency Contact:** Andy Forsaith  
**Phone:** 266-7684



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-00307

PJK:.....

PI  
King

Blaine

DOA:..... Eliminate comprehensive community services as an MA benefit  
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SOON  
(9-16)  
D-note

do not  
get cut

1 AN ACT relating to: benefits under the medical assistance program.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for ~~psychosocial~~ the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community-based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

This bill eliminates psychosocial services provided by a community-based psychosocial service program as a possible benefit under the MA program.

For further information see the *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 A* →

1 SECTION 1. 49.45 (30e) of the statutes is repealed. ✓

2 SECTION 2. 49.46 (2) (b) 6. Lm. of the statutes is repealed. ✓

3 (END)

*Insert B*

*D. note*

INSERT A

1002

SECTION 1. 49.45 (6t) (intro.) of the statutes is amended to read:

~~49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT REDUCTION. (intro.) 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 county department under s. 46.215, 46.22, 46.23, or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and Lm., 9., 15., and 18., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5), the department shall allocate moneys in each fiscal year to these county departments, or local health departments as determined by the department, and shall perform all of the following:~~

NOTE: NOTE: Sub. (6t)(intro.) is repealed and recreated eff. 7-1-03 by 2001 Wis. Act 16 to read:NOTE:

*actioned*

SECTION #. AM; 49.45 (6t) (intro.), as affected by 2001 Wisconsin Act 16, section 1772,

49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT REDUCTION. 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 county department under s. 46.215, 46.22, 46.23, or 51.42 or by a local health department, as defined in s. 250.01 (4), for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and Lm., 9., and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5), the department shall allocate moneys in each fiscal year to these county departments, or local health departments as determined by the department, and shall perform all of the following:

No (B)

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, 57, 67, 104, 109.



*Ins. A contd*

*2002*

~~SECTION 2. 49.45 (6t) (a) of the statutes is amended to read:~~

~~49.45 (6t) (a) For the reduction of operating deficits incurred by the county departments or local health departments, estimate the availability of federal medicaid funds that may be matched to county, city, town, or village funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and ~~Lm.~~ 9., 15., and 18., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5).~~

NOTE: NOTE: Par. (a) is repealed and recreated eff. 7-1-03 by 2001 Wis. Act 16 to read:NOTE:

*Auto eff B*

SECTION #. AM; 49.45 (6t) (a), as affected by 2001 Wisconsin Act 16, section 1774,

*49.45 (6t)*

*No B*

(a) For the reduction of operating deficits incurred by the county departments or local health departments, estimate the availability of federal medicaid funds that may be matched to county, city, town, or village funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., and ~~Lm.~~ 9., and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5).

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, 57, 67, 104, 109.

(END OF INSERT A)

INSERT B

SECTION 9424. Effective dates; health and family services.

2002

Ins B contd

(1) ~~COMMUNITY-BASED PSYCHOSOCIAL SERVICES.~~ The treatment of section 49.45 (6t) (intro.) (by SECTION ) and (a) (by SECTION ) of the statutes takes effect on July 1, 2003.

(END OF INSERT B)

auto ref A

auto ref B

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

LRB-0030/rdn

PJK:j.....

*PI*  
*kmg*

*Robert:*

The drafting request states that DHFS has postponed implementation of ss. 49.45 (30e) and 49.46 (2) (b) 6. Lm. Therefore, I assume no county has elected to provide the benefit and no individual is receiving the treatment or services. If that is correct, it might be a good idea to mention it in the analysis.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

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

LRB-0030/P1dn  
PJK:kmg:rs

September 19, 2002

Robert:

The drafting request states that DHFS has postponed implementation of ss. 49.45 (30e) and 49.46 (2) (b) 6. Lm. Therefore, I assume no county has elected to provide the benefit and no individual is receiving the treatment or services. If that is correct, it might be a good idea to mention it in the analysis.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0030/11

PJK:kmg:rs

*Handwritten notes:*  
51  
+ Jld  
r m not run

DOA:..... Blaine - Eliminate comprehensive community services as an MA benefit

FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

*Handwritten:* D-note

*Handwritten:* do not enact

1

AN ACT relating to: benefits under the medical assistance program.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community-based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

This bill eliminates psychosocial services provided by a community-based psychosocial service program as a possible benefit under the MA program.

For further information see the *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-~~22~~ 13

✓  
\*\*\* NOTE: This is reconciled A. 49.45(6t)(intro).  
It was removed and its treatment added  
to LRB-1611. This section is affected by CRB-0030  
and CRB-1611.

(end of ins 2-13)

Insert 2-22

\*\*\* NOTE: This is reconciled A. 49.45(6t)(a).  
It was removed and its treatment  
added to LRB-1611. This section is affected  
by LRB-0030 and LRB-1611.

(end of ins 2-22)

D-note

This draft reconciles LRB-0030 ~~and~~  
and LRB-1611. Both drafts should  
continue to appear in the compile.

PTK

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

LRB-0030/1dn  
PJK:jld:rs

February 6, 2003

This draft reconciles LRB-0030 and LRB-1611. Both drafts should continue to appear in the compile.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0030/1  
PJK:kmg&jld:rs

DOA:..... Blaine – BB0002 Eliminate comprehensive community services as  
an MA benefit

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** benefits under the medical assistance program.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

Under current law, DHFS administers the medical assistance (MA) program under which eligible individuals receive health care services. Mental health and psychological rehabilitative services provided by a community support program to individuals with mental illness who live in the community is a covered benefit under the MA program. The county pays all costs for the services that are not paid by the federal government. Also covered, but only if a county elects to offer the services as a benefit, are psychosocial services provided by a community-based psychosocial service program to individuals with less severe mental illness who live in the community. A county that elects to provide the services as a benefit must pay all costs not paid by the federal government.

This bill eliminates psychosocial services provided by a community-based psychosocial service program as a possible benefit under the MA program.

For further information see the *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:*

