

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/20/2002**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 267-7980**

By/Representing: **Blaine**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **RLR, DAK**

Submit via email: **NO**

**Pre Topic:**

DOA:.....Blaine - BB0034

**Topic:**

Medical Assistance administrative funds claiming

**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>
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/2	gmalaise 12/04/2002	jdyer 12/05/2002	rschluet 12/05/2002	_____	amentkow 12/05/2002		

FE Sent For:

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		1 10/25 jld	10/25	Bulb 10/25			
FE Sent For:							

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# DHFS

Department of Health and Family Services  
2003-2005 Biennial Budget Statutory Language Request  
June 11, 2002

## Medicaid Administrative Claiming

### Current Language

S.46.45(2)(a) requires the Department to provide to non-Milwaukee counties not less than 50% of federal Title IV-E revenue that exceeds the budgeted level of Title IV-E Community Aids funding. Counties must use at least 50% of these Title IV-E "income augmentation" funds "for services for children who are at risk of abuse or neglect or to prevent the need for child abuse and neglect intervention services" or may use up to 100% of these funds for the costs specific to the implementation of the Wisconsin Statewide Automated Child Welfare Information System (WiSACWIS).

### Proposed Change

- Create a new section (2)(c) under s.46.45 to require the Department to provide to counties not less than 50% of federal Medicaid administrative funds (under 42USC1396 to 1396V) claimed for administrative activities performed by counties and recovered under s.20.435(8)(mb). Counties would be required to spend the funding for the same purposes as Community Aids (s.46.40). This will provide counties the flexibility to spend the new funding for any social, mental health, alcohol/drug abuse or disability services.
- Renumber the current s.46.45(2)(c) to (2)(d) and revise to state that any funding not distributed under (a) or the new section (c) shall be credited to s. 20.435 (8)(mb)—the DHFS income augmentation appropriation--and that the Department may expend the funding according to s.46.46--the income augmentation statute.

### Effect of Change

Counties would receive half of the federal funding claimed by the state for county-based MA administrative activities to spend for the same purposes as Community Aids. This will ensure that the new funding is used in the human/social services area, but will provide counties the discretion and flexibility to spend the new funding in the human and social services area in a way best-suited to meet the county's needs. The other half of this federal funding would be subject to the income augmentation provisions (s. 46.46), under which the Department can propose a plan for the use of the funding, subject to the review and approval of the Department of Administration and the Joint Finance Committee. Under the proposed change federal MA administrative income augmentation revenue would be treated in a similar manner as federal Title IV-E income augmentation revenue. By providing a financial incentive for county participation, the Department expects the MA administrative claiming initiative to

proceed. The Department expects the initiative to generate a significant amount of increased federal revenue, which will benefit both counties and the state under the proposed arrangement.

### Rationale for the Change

State Medicaid agencies are required to perform certain functions to "properly and efficiently" administer the state's Medicaid plan. Currently counties are performing activities that support the "proper and efficient" operation of the state Medicaid plan. These activities include Medicaid outreach, facilitating applications for Medicaid, referral, coordination, and monitoring of Medicaid services and program planning, and interagency coordination related to medical services. Currently these activities are funded 100% with state Community Aids funding provided to the county and/or county funding. However, portions of the costs of these activities are eligible for federal Medicaid reimbursement.

The Department plans to proceed with an initiative to claim federal Medicaid reimbursement for county-based MA administrative activities. Over the past year the Department has done a considerable amount of analysis and preparatory work on the issue, including working with three pilot counties to determine the feasibility and implementation steps that would be needed at the state and county levels. Based on the work undertaken to date with the pilot counties, the Department's assessment is that the initiative appears viable and has the potential to generate a significant amount of new federal funding. No new GPR or county funding is required for the initiative, since existing state Community Aids and county funding would continue to be used and serve as the non-federal share of the MA administrative costs. It is not possible at this time to project precisely the amount of federal funding generated since there is no claiming experience on which to base an estimate.

To claim the federal funding the Department, with the assistance of a contractor, will develop and implement a Random Moment Time Study (RMTS) as a reporting mechanism of county activities. Participation in the RMTS will require time and effort on the part of county staff to receive training and complete the time study. In addition, counties will be required to report cost data in a form and manner specified by the Department.

The proposed statutory language change allocates a portion, 50%, of the funding claimed under the new MA administrative claiming initiative to counties to offset the additional workload and to provide an incentive for counties to participate in the initiative. The proposal is similar to the current revenue-sharing arrangement for federal foster care (Title IV-E) funding that exceeds the budgeted level. However, unlike the Title IV-E funding, the MA administrative funding would be allocated to all counties, including Milwaukee. Also, unlike the Title IV-E funding, counties would be required to use the MA administrative funding they receive for the same purposes as Community Aids. This will ensure that the new funding is used in the human/social services area, but will provide a county the flexibility to spend the new funding for any social, mental health, alcohol/drug abuse or disability services as it sees fit.

MA admin activities paid w/ County Aids eligible for Fed MA reimbursement

to expand

**Desired Effective Date:** Upon passage  
**Agency:** DHFS  
**Agency Contact:** Fredi-Ellen Bove  
**Phone:** 266-2907



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0195/7  
Gmm...  
Jld

NOTE  
LPS-Fix  
request sheet

DOA:.....Blaine - BB0034 Medical assistance administrative funds claiming  
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

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

Under current law, DHFS contracts for activities to augment the amount of moneys received under Title XIX of the federal Social Security Act (generally referred to as Medical Assistance or MA). Current law requires DHFS to use the moneys received as a result of those income augmentation activities to support costs that are exclusively related to the operational costs of those activities and permits DHFS to use those moneys for other purposes if the Secretary of Administration and the JCF, under a 14-day passive review process, approve a plan submitted by DHFS for the proposed use of those moneys. This bill requires DHFS to distribute not less than 50% of the federal MA moneys received in reimbursement of the cost to counties of administering MA to counties for social, mental health, developmental disabilities, and alcohol and other drug abuse services.

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           **SECTION 1.** 46.46 (1) of the statutes is amended to read:

2           46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the  
3 department shall support costs that are exclusively related to the operational costs  
4 of augmenting the amount of moneys received under 42 USC 670 to 679a, 42 USC  
5 1395 to 1395ddd, and 42 USC 1396 to 1396v and shall distribute moneys to counties  
6 as provided in sub. (1g). In addition, the department may expend moneys from the  
7 appropriation account under s. 20.435 (8) (mb) as provided in ~~sub.~~ subs. (1m) and  
8 (2).

History: 1997 a. 27, 86; 1999 a. 9; 2001 a. 16.

9           **SECTION 2.** 46.46 (1g) of the statutes is created to read:

10           46.46 (1g) In addition to expending moneys from the appropriation account  
11 under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1), the  
12 department shall distribute not less than 50% of the moneys received under 42 USC  
13 1396 to 1396v in reimbursement of the cost to counties of administering the medical  
14 assistance program under subch. IV of ch. 49 and credited to the appropriation  
15 account under s. 20.435 (8) (mb) to counties for community social, mental health,  
16 developmental disabilities, and alcohol and other drug abuse services under s. 46.40.  
17 The department may expend any moneys received under 42 USC 1396 to 1396v in  
18 reimbursement of the cost to counties of administering the medical assistance  
19 program under subch. IV of ch. 49 and credited to the appropriation account under  
20 s. 20.435 (8) (mb) that are not distributed under this subsection as provided in sub.  
21 (2).

22           **SECTION 3.** 46.46 (1m) of the statutes is amended to read:

23           46.46 (1m) In addition to expending moneys from the appropriation account  
24 under s. 20.435 (8) (mb) for the augmentation activities specified in sub. (1) and the

1 distributions to counties under sub. (1g),<sup>✓</sup> the department may expend moneys  
2 received under 42 USC 1396 to 1396v in reimbursement of the cost of providing  
3 targeted case management services to children whose care is not eligible for  
4 reimbursement under 42 USC 670 to 679a and credited to the appropriation account  
5 under s. 20.435 (8) (mb) to support the counties' share of implementing the statewide  
6 automated child welfare information system under s. 46.22 (1) (c) 8. f.

7 History: 1997 a. 27, 86; 1999 a. 9; 2001 a. 16.

7 **SECTION 4.** 46.46 (2)<sup>✓</sup> of the statutes is amended to read:

8 46.46 (2) If the department proposes to use any moneys from the appropriation  
9 account under s. 20.435 (8) (mb) for any purpose other than the ~~purpose~~ purposes  
10 specified in sub. ~~subs.~~ <sup>plain</sup> (1), (1g), and (1m),<sup>✓</sup> the department shall submit a plan for the  
11 proposed use of those moneys to the secretary of administration by September 1 of  
12 the fiscal year after the fiscal year in which those moneys were received. If the  
13 secretary of administration approves the plan, he or she shall submit the plan to the  
14 joint committee on finance by October 1 of the fiscal year after the fiscal year in which  
15 those moneys were received. If the cochairpersons of the committee do not notify the  
16 secretary of administration within 14 working days after the date of submittal of the  
17 plan that the committee has scheduled a meeting for the purpose of reviewing the  
18 plan, the department may implement the plan. If within 14 working days after the  
19 date of the submittal by the secretary of administration the cochairpersons of the  
20 committee notify him or her that the committee has scheduled a meeting for the  
21 purpose of reviewing the plan, the department may implement the plan only with the  
22 approval of the committee.

23 History: 1997 a. 27, 86; 1999 a. 9; 2001 a. 16.

(END)

D-note  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0195/1dn

GMM.....  
jld

date

Robert:

The DHFS drafting instructions request that the language that would require DHFS to distribute to counties not less than 50% of the federal reimbursement for county MA administrative costs be created in s. 46.45. That section relates to the carry-over of community aids funds, but there is no indication in the DHFS narrative that the moneys that are the subject of the draft are community aids carry-over funds. Rather, those moneys appear to be income augmentation services receipts under ss. 20.435 (8) (mb) and 46.46. Accordingly, this draft accomplishes DHFS' intent by amending s. 46.46 rather than 46.45.

Gordon M. Malaise  
Senior Legislative Attorney  
Phone: (608) 266-9738  
E-mail: gordon.malaise@legis.state.wi.us

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

LRB-0195/1dn  
GMM:jld:jf

October 25, 2002

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**Malaise, Gordon**

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**From:** Blaine, Robert  
**Sent:** Tuesday, December 03, 2002 4:26 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Dept. Comments on LRB draft on MA Claiming Initiative



MAclaimingstatl  
ang.doc

-----Original Message-----

**From:** Bove, Fredi-Ellen  
**Sent:** Friday, November 22, 2002 2:14 PM  
**To:** Blaine, Robert  
**Cc:** Fiss, William; Lorence, Catherine; Warnke, Donald; McCabe, Sinikka;  
Forsaitth, Andrew; Gebhart, Neil  
**Subject:** Dept. Comments on LRB draft on MA Claiming Initiative

Attached are the Dept.'s comments on LRB-0195/1 MA Administrative Claiming.  
We would appreciate it if you would provide these comments to the LRB drafter.

**Department of Health and Family Services  
Office of Strategic Finance**

PO Box 7850  
Madison WI 53707-7850  
Phone (608) 266-3816  
Fax (608) 267-0358

**Date:** November 22, 2002  
**To:** Robert Blaine  
**From:** Fredi Bove  
**Subject:** Comments on LRB-0195/1: MA Administrative Funds Claiming

Department staff have reviewed LRB-0195/1 on MA Administrative Funds Claiming and have the following suggested comments:

- Change both sentences in proposed s.46.46 (1g) to “42 USC 1369 to 1396v as a result of income augmentation activities specified in sub. (1) in reimbursement to counties participating in the Department’s Medical Assistance Claiming initiative and credited to the appropriation account under s.20.435(8)(mb). (lines 12-14 and lines 16-18)

Rationale: Without the inclusion of the clause “as a result of income augmentation activities”, the provision could be interpreted to require the Department to distribute to counties 50% of all federal MA funding received for county MA administrative activities, rather than 50% of the federal funding received for these activities as a result of augmentation activities. The rationale for the second part of the change is that the Department intends to distribute the federal MA administrative claiming funds only to those counties that participate in the initiative and help generate the funding.

The proposed amendment to s. 46.46 (1m) appears to be unnecessary. (1m) governs spending of income augmentation receipts for TCM services, while the proposed new (1g) would govern spending of income augmentation receipts for administrative activities. Thus there doesn't appear to be any need to amend existing (1m) to refer to the new (1g).

Department staff concur with the drafter’s recommendation to include the statutory changes in s.46.46, rather than s.46.45.

Thank you for the opportunity to comment. We would appreciate the opportunity to review the revised draft. Thank you.



DOA:.....Blaine - BB0034 Medical Assistance administrative funds claiming  
FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

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**OTHER HEALTH AND HUMAN SERVICES**

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State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0195/2  
GMM:jld:rs

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19 (END)