

2003 DRAFTING REQUEST

Bill

Received: 12/23/2002

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: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: RLR, PJK

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Blaine - BB0292,

Topic:

Require DHFS to pursue federal waiver to expand managed 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>
/?							State
/1	dkennedy 12/26/2002	kgilfoy 12/26/2002	pgreensl 12/30/2002		lemery 12/30/2002		State
/2	dkennedy 01/02/2003	kgilfoy 01/02/2003	pgreensl 01/03/2003		sbasford 01/03/2003		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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FE Sent For:

12-12/2
King

1/3/03
P8

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1?	dkennedy	11-12/26 Hmg	12/30 P8	12/30 sub			State

FE Sent For:

<END>

Agency: Department of Health and Family Services

SBO Analyst: Robert Blaine (7-7980)

Title: Require the department to pursue a federal waiver to expand MA managed care.

Purpose of Draft: This draft would create a non-statutory provision, requiring the Department of Health and Family Services to submit a federal Medical Assistance waiver request to the federal government, in order to implement mandatory managed care enrollment for MA participants who are eligible for supplemental security income.

Federal law requires the presence of at least two managed care organizations in a county (or other geographic region, as determined by the state) in order for the state to mandate MA recipients enroll in managed care plans. This waiver would request an exemption from this federal law.

Priority: High.

BB0292



SOON - Scheduling 12/26
State of Wisconsin
2003 - 2004 LEGISLATURE
D-NOTE

LRB-1254/1
DAK:.....
Kmg

DOA:.....Blaine – BB0292, Require DHFS to pursue federal waiver to expand managed care

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ^{DON'T GEN. CAT} relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

✓ Under current federal law related to the federal Medical Assistance (MA) program (commonly known as “Medicaid”), a state may require recipients of MA to enroll in managed care plans only if at least two managed care organizations are present as providers in each of the state’s geographic service regions. Also under current federal law, the Supplemental Security Income (SSI) program provides cash grants to recipients who are aged, blind, or disabled and have very low income and assets. ^{care}

This bill requires DHFS to request from the secretary of the federal Department of Health and Human Services a waiver of Medicaid laws in order to enable DHFS to require MA recipients who are recipients of SSI to enroll for MA services under managed care systems, including those MA recipients who are in a geographical service region that contains only a single managed care organization as service provider.

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

LRB-1254/1dn

DAK: King

To Robert Blaine:

1. This bill sets no specific time for DHFS to request the waiver; if no specific time is set, the provision appears to be an ongoing requirement, which should be statutory, rather than nonstatutory.
2. You may wish to require DHFS to implement the waiver, if received (see, e.g., s. 49.45 (24r), stats.), although ~~the department~~ has broad powers to administer MA, and so, from a legal standpoint, it is not essential. If you do wish to require DHFS to implement the waiver, it would be necessary to draft this as a statutory, rather than nonstatutory, provision.
3. I have referred to the federal SSI program; do you wish, instead to refer to the SSI supplementary program under s. 49.77, stats.? Both?

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

LRB-1254/1dn
DAK:kmg:pg

December 30, 2002

To Robert Blaine:

1. This bill sets no specific time for DHFS to request the waiver; if no specific time is set, the provision appears to be an ongoing requirement, which should be statutory, rather than nonstatutory.
2. You may wish to require DHFS to implement the waiver, if received (see, e.g., s. 49.45 (24r), stats.), although DHFS has broad powers to administer MA, and so, from a legal standpoint, it is not essential. If you do wish to require DHFS to implement the waiver, it would be necessary to draft this as a statutory, rather than nonstatutory, provision.
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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Blaine, Robert
Sent: Tuesday, December 31, 2002 10:51 AM
To: Kennedy, Debora
Subject: RE: LRB Draft: 03-1254/1 Require DHFS to pursue federal waiver to expand managed care

Hi Debora!

Regarding your drafter's notes.

1. I see your point about not stating a specific time to submit this waiver. I think a time should be specified, since we are going to rely on this waiver for some savings in the MA program during the second year. Let's redraft to set a waiver submission deadline of January 1, 2004.
2. I do not think it's necessary to require DHFS to implement the waiver. I think there will be incentives in place that will compel such an action. Furthermore, in the event that the federal government approves a waiver, but one that is so restrictive that we cannot accomplish our goals, I don't want to force the implementation of such a waiver.
3. I think it's fine to refer to the federal SSI program. To qualify for the state supplement, you must qualify for the federal SSI payment, thus citing the federal program is more broad. Furthermore, qualification for the federal SSI is a factor in MA eligibility (not the state payment), thus I think it makes sense to peg this provision to the federal payment.

Again, thanks for all your help.

Robert

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

From: Greenslet, Patty
Sent: Monday, December 30, 2002 11:10 AM
To: Blaine, Robert
Cc: Johnston, James; Schaeffer, Carole; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 03-1254/1 Require DHFS to pursue federal waiver to expand managed care

Following is the PDF version of draft 03-1254/1.

<< File: 03-1254/1 >> << File: 03-1254/1dn >>



(soon - In edit 1/2)
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1254/2
DAK:kmg:pg

DOA:.....Blaine - BB0292, Require DHFS to pursue federal waiver to expand managed care

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

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, by January 1, 2004,



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1254/2

DAK:kmg:pg

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This bill requires DHFS, by January 1, 2004, to request from the secretary of the federal Department of Health and Human Services a waiver of Medicaid laws in order to enable DHFS to require MA recipients who are recipients of SSI to enroll for MA services under managed care systems, including those MA recipients who are in a geographical service region that contains only a single managed care organization as service provider.

