

2003 DRAFTING REQUEST

Bill

Received: **01/19/2003**

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 - long-term care**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Blaine -BB0385

Topic:

Standardizing Family Care eligibility with respect to persons with developmental disabilities; report on feasibility of expansion

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> |
|--------------|--------------------------------------------------|---------------------|------------------------|-------------------------|------------------------|-----------------|-----------------|
| /? | | | | _____ | | | S&L |
| /1 | dkennedy 01/20/2003 dkennedy 01/21/2003 | jdyer 01/20/2003 | jfrantze 01/21/2003 | _____ _____ _____ | sbasford 01/21/2003 | | S&L |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|--------------------|------------------------|----------------|------------------------|-----------------|-----------------|
| /2 | dkennedy 02/04/2003 | jdye 02/04/2003 | rschluet 02/04/2003 | _____ | sbasford 02/04/2003 | | S&L |

FE Sent For:

<END>

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Carbon copy (CC:) to:

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DOA:.....Blaine - **BBO385**

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Standardizing Family Care eligibility with respect to persons with developmental disabilities

Instructions:

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | dkennedy | 1/20 jld | 1/21 | 1/21 | | | |

FE Sent For:

<END>

Kennedy, Debora

From: Blaine, Robert
Sent: Friday, January 17, 2003 2:57 PM
To: Kennedy, Debora
Cc: Kahler, Pam
Subject: Drafting -- head's up!

OK (deep breath for Rob) -- it's not as bad as I had feared --- here are the items I'll be sending over soon:

New Items (these will come over formally, but you might not see them until Sun / Mon -- depending on if they're making runs).

- 1) MA -- personal needs allowance for nursing home residents. Reduce the allowance from \$45 / month to \$30 / month. s. 49.45 (7)(a)
- 2) Family Care Expansion to Kenosha (see attached language request).



Standard DD
Eligibility.doc

- 3) Eliminate the County Services Deficit Reduction Benefit (CSDRB).

In addition to this, the following drafts need to be modified.

Items to be Modified

Draft# (no draft received -- SENIORCARE):

- Change the deductible structure as follows: \$500 for persons < 200% FPL. \$750 for persons between 200-240% FPL. \$850% for persons > 240%.
- Increase the enrollment fee as follows: \$25 for persons with incomes < 200% FPL. \$30 for those with incomes above 200% FPL.

Draft# (no draft yet received -- MA & BC cost-sharing): reduce the emergency room copayment to \$10 (previously specified as \$40).

Draft#: 1253 Revise to original 1253/1, repealing 49.45 (6x) (thus, we'll eliminate both the EACH and rural adjustments).

Draft# 0207: increase the assessment charged from \$32 per licensed bed to \$115 per bed

IGT / Revenue Maximization

I sent you an e-mail on Dec. 19 with some instructions. I think you can just scrap this since most of it is now irrelevant (esp. a portion that dealt with a grant to Marquette dental school).

We have been working on four discrete projects under the heading of "revenue maximization." Before I had thought that we could just do them all as one draft, using the IGT draft as a starting point, but it may make more sense to do them separately. What I will do is this. I will put together a plain language description of the projects and send them to you, if not by the end of today, by Sunday. It may be helpful if we met Sunday afternoon or Monday to talk about them (I'd be happy to come to your office for a change!). The broad ideas are as follows:

- 1) Home & Community Based Waivers IGT: do an IGT with counties for waiver services, where the upper limit is a % of the maximum specified in the CIP 1A/1B waiver.
- 2) County Based Services IGT: do an IGT with counties for other county provided services such as mental health services, AODA.
- 3) Municipality-based Services: reallocate some state GPR (shared revenue) to the MA program, and make enhanced payments for health services (e.g., EMS) provided by cities).
- 4) School-based Services: same as the municipal projects, but targeted to school districts for special education services.

Most of the language for these projects (I think) is related to compelling these entities to work with us on these projects, re-working the MA trust fund to park the money, and creating appropriations to budget the money.

Agency: Department of Health and Family Services

SBO Analyst: Robert Blaine (7-7980)

Title: Standardizing Family Care Eligibility

Purpose of Draft: Current law possess an exception to eligibility for Family Care for individuals with developmental disabilities. The proposed changes would make people with developmental disabilities a standard group in Family Care and repeal the exception. Please see the attached justification.

Priority: High.

DHFS

Department of Health and Family Services
Statutory Language Request
Date:

Title: Standardizing Family Care Eligibility for people with developmental disabilities

Current Language:

46.286 (1m)

(1m) ELIGIBILITY EXCEPTION. A person whose primary disabling condition is developmental disability is eligible for the family care benefit if the person is a resident of a county or is a member of a tribe or band that has operated, before July 1, 2003, a care management organization under s. 46.281 (1) (d) and meets all other eligibility criteria under this subsection.

The Administrative or Substantive Problem with the Current Statutes:

When the initial Family Care statute was drafted people with developmental disabilities and their advocates were unsure of whether they wanted to be included in Family Care on a permanent basis. To accommodate them the statute included an “eligibility exception” to make people with developmental disabilities eligible only if the person was a resident of one of the original five Family Care counties piloting care management organizations. With experience in Family Care, people with developmental disabilities and their advocates are no longer hesitant to participate. The following proposed changes would make people with developmental disabilities one of the standard target groups in Family Care and repeal the eligibility exception and related references.

Statutory Changes Requested:

Amend 46.2805 (2) as follows:

(2) “Eligible person” means a person who meets all eligibility criteria under s. 46.286 (1) ~~or (1m)~~.

Amend 46.286 (1) as follows:

46.286 Family care benefit. (1) ELIGIBILITY. ~~Except as provided in sub. (1m), a~~ A person is eligible for, but not necessarily entitled to, the family care benefit if the person is at least 18 years of age; has a developmental disability, as defined in s. 51.01 (5) (a), a physical disability, as defined in s. 15.197 (4) (a) 2., or infirmities of aging, as defined in s. 55.01 (3); and meets all of the following criteria:

Repeal 46.286 (1m)

~~(1m) ELIGIBILITY EXCEPTION. A person whose primary disabling condition is developmental disability is eligible for the family care benefit if the person is a resident of a county or is a member of a tribe or band that has operated, before July 1, 2003, a care management organization under s. 46.281 (1) (d) and meets all other eligibility criteria under this subsection.~~

Repeal 46.286 (3) (a) 5.

~~5. Is eligible under sub. (1m).~~

Amend 46.287 (1) (a) 1. a. as follows:

a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

Rationale for the Change

These changes allow people with developmental disabilities to be eligible for Family Care if it is expanded to additional counties and accommodates the current attitude of people with developmental disabilities and their advocates towards Family Care and Family Care expansion.

Estimate of the Fiscal Effect of the Change

None.

Desired Effective Date: Upon enactment

Agency: OSF

Agency Contact: Charles Jones

Phone: 266-0991



DAK:.....
jld

DOA:.....Blaine - Standardizing Family Care eligibility with respect to persons with developmental disabilities

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

don't gen

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

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

LONG-TERM CARE

Currently, DHFS may contract under the Family Care Program to operate Family Care resource centers to provide determinations of eligibility and information and referral services and may contract with care management organizations to provide long-term care services to eligible persons who are entitled to receive the Family Care benefit. A person is eligible for, but not necessarily entitled to, the Family Care benefit if he or she is at least 18 years old, has a physical disability or the infirmities of aging, fulfills any applicable cost-sharing requirements, meets financial criteria, and meets any of several criteria relating to functionality. A person whose primary disabling condition is developmental disability is also eligible for the Family Care benefit if he or she is a resident of a county or a member of a federally recognized American Indian tribe or band that operated a care management organization before July 1, 2003, is at least 18 years old, and meets functional and financial eligibility criteria.

* This bill eliminates the requirement that, in order to be eligible for the Family Care benefit, an otherwise eligible person whose primary disabling condition is developmental disability be a resident of a county or member of a tribe or band that operated a care management organization before July 1, 2003.

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. 46.2805 (2)^X of the statutes is amended to read:

2 46.2805 (2) "Eligible person" means a person who meets all eligibility criteria
3 under s. 46.286 (1)[✓] ~~or (1m)~~.

History: 1999 a. 9, 185.

4 SECTION 2. 46.286 (1) (intro.)^X of the statutes is amended to read:

5 46.286 (1) ELIGIBILITY. (intro.) ~~Except as provided in sub. (1m), a~~[✓] A person is
6 eligible for, but not necessarily entitled to, the family care benefit if the person is at
7 least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., a
8 developmental disability, as defined in s. 51.01 (5) (a)[✓], or infirmities of aging, as
9 defined in s. 55.01 (3); and meets all of the following criteria:

History: 1999 a. 9, 185; 2001 a. 16, 109.

10 SECTION 3. 46.286 (1m)^X of the statutes is repealed.

11 ^{→ INSERT 2-10} SECTION 4. 46.286 (3) (a) 5.^X of the statutes is repealed.

12 SECTION 5. 46.287 (2) (a) 1. a.^X of the statutes is amended to read:

13 46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1)[✓] ~~or (1m)~~.

History: 1999 a. 9.

14 (END)

46.286(3) ~~AM~~ (3)

(a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may receive the family care benefit through enrollment in a care management organization ^{plain} ~~if~~ ^{or} ~~except as provided in subd. 5,~~ he or she is at least 18 years of age, has a physical disability, as defined in s. 15.197 (4) (a) 2., ^{or} ~~or~~ infirmities of aging, as defined in s. 55.01 (3), is financially eligible, fulfills any applicable cost-sharing requirements and meets any of the following criteria:

↑
INSERT 2-10

SECTION #. AM;
46.286(3)(a)(intro.)

a developmental disability, as defined in s. 51.01 (5) (a), ✓

Agency: Department of Health and Family Services

SBO Analyst: Robert Blaine (7-7980)

Title: Standardizing Family Care Eligibility

Purpose of Draft: Current law possess an exception to eligibility for Family Care for individuals with developmental disabilities. The proposed changes would make people with developmental disabilities a standard group in Family Care and repeal the exception. Please see the attached justification.

Priority: High.

BB0385

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Repeal 46.286 (1m)

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Repeal 46.286 (3) (a) 5.

~~5. Is eligible under sub. (1m).~~

Amend 46.287 (1) (a) 1. a. as follows:

a. Denial of eligibility under s. 46.286 (1) ~~or (1m).~~

Rationale for the Change

These changes allow people with developmental disabilities to be eligible for Family Care if it is expanded to additional counties and accommodates the current attitude of people with developmental disabilities and their advocates towards Family Care and Family Care expansion.

Estimate of the Fiscal Effect of the Change

None.

Desired Effective Date: Upon enactment

Agency: OSF

Agency Contact: Charles Jones

Phone: 266-0991

Kennedy, Debora

From: Blaine, Robert
Sent: Tuesday, February 04, 2003 11:37 AM
To: Kennedy, Debora
Cc: Johnston, James
Subject: RE: LRB Draft: 03-1610/1 Standardizing Family Care eligibility with respect to persons with developmental disabilities

Importance: High

Debora --

The Governor has expressed an interest in expanding Family Care. We would like (if possible) to add a non-stat section to this draft, which states something to the effect:

"The secretary [of DHFS] shall assess the feasibility of expanding the family care program to two additional counties. The Secretary will present a report to the DOA Secretary and Governor by July 1, 2004, for consideration in the 2005-07 biennial budget."

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

From: Frantzen, Jean
Sent: Tuesday, January 21, 2003 10:17 AM
To: Blaine, Robert
Cc: Johnston, James; Schaeffer, Carole; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 03-1610/1 Standardizing Family Care eligibility with respect to persons with developmental disabilities

Following is the PDF version of draft 03-1610/1.

<< File: 03-1610/1 >>



DOA:.....Blaine - Standardizing Family Care eligibility with respect to persons with developmental disabilities ; report on feasibility of expansion
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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This bill eliminates the requirement that, in order to be eligible for the Family Care benefit, an otherwise eligible person whose primary disabling condition is developmental disability be a resident of a county or member of a tribe or band that operated a care management organization before July 1, 2003.

→ INSERT ANAL

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:

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7 least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., a
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9 defined in s. 55.01 (3); and meets all of the following criteria:

10 **SECTION 3.** 46.286 (1m) of the statutes is repealed.

11 **SECTION 4.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

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14 organization if, ~~except as provided in subd. 5,~~ he or she is at least 18 years of age,
15 has a physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability,
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17 financially eligible, fulfills any applicable cost-sharing requirements and meets any
18 of the following criteria:

19 **SECTION 5.** 46.286 (3) (a) 5. of the statutes is repealed.

20 **SECTION 6.** 46.287 (2) (a) 1. a. of the statutes is amended to read:

INSERT
3-1

1 ✓
2

46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

(END)

INSERT ANAL

The bill also requires the secretary of health and family services[✓] to assess the feasibility of expanding the Family Care Program to include two additional counties and to report, by July 1, 2004, to the secretary of administration and the Governor concerning the feasibility and whether the expansion should be included as part of the biennial budget bill for the[✓] 2005-07 fiscal biennium.

INSERT 3-1

SECTION 9124. Nonstatutory provisions; health and family services.

1
2 (1) FEASIBILITY OF FAMILY CARE EXPANSION; REPORT. The secretary of health and
3 family services shall assess the feasibility of expanding, under section[✓] 46.281 (1) (e)
4 of the statutes, the family care program to include ²two counties in addition to the
5 counties or other entities participating in the program on the effective date of this
6 subsection.[✓] By July 1, 2004, the secretary of health and family services shall report
7 to the secretary of administration and the governor concerning the feasibility and
8 whether the expansion should be included as part of the biennial budget bill for the
9 2005-07[✓] fiscal biennium.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1610/2

DAK:jld:rs

DOA:.....Blaine -BB0385 Standardizing Family Care eligibility with respect to persons with developmental disabilities; report on feasibility of expansion

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

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developmental disability be a resident of a county or member of a tribe or band that operated a care management organization before July 1, 2003.

The bill also requires the secretary of health and family services to assess the feasibility of expanding the Family Care Program to include two additional counties and to report, by July 1, 2004, to the secretary of administration and the governor concerning the feasibility and whether the expansion should be included as part of the biennial budget bill for the 2005–07 fiscal biennium.

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6 eligible for, but not necessarily entitled to, the family care benefit if the person is at
7 least 18 years of age; has a physical disability, as defined in s. 15.197 (4) (a) 2., a
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16 as defined in s. 51.01 (5) (a), or infirmities of aging, as defined in s. 55.01 (3), is

1 financially eligible, fulfills any applicable cost-sharing requirements and meets any
2 of the following criteria:

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5 46.287 (2) (a) 1. a. Denial of eligibility under s. 46.286 (1) ~~or (1m)~~.

6 **SECTION 9124. Nonstatutory provisions; health and family services.**

7 (1) FEASIBILITY OF FAMILY CARE EXPANSION; REPORT. The secretary of health and
8 family services shall assess the feasibility of expanding, under section 46.281 (1) (e)
9 of the statutes, the Family Care Program to include 2 counties in addition to the
10 counties or other entities participating in the program on the effective date of this
11 subsection. By July 1, 2004, the secretary of health and family services shall report
12 to the secretary of administration and the governor concerning the feasibility and
13 whether the expansion should be included as part of the biennial budget bill for the
14 2005–07 fiscal biennium.

15 (END)