

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/20/2003**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 7-7890**

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: **NO**

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**Pre Topic:**

DOA:.....Blaine - BB0386,

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**Topic:**

Medical Assistance personal needs allowance

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**Instructions:**

See Attached

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**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 01/21/2003	jdyer 01/22/2003		_____			State
/P1			pgreensl 01/22/2003	_____	lemery 01/22/2003		

FE Sent For:

<END>

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/?	pkahler	PI 1/22 jld	1/22 P8	1/22 P8/9/06			

FE Sent For:

<END>

**Agency:** Department of Health and Family Services

**SBO Analyst:** Robert Blaine (7-7980)

**Title:** MA Personal Needs Allowance

**Purpose of Draft:** Current eligibility standards for MA under s. 49.45 (7)(a) allow nursing home residents whose care is paid for by MA retain no more than \$45 in income per month to purchase personal items. This draft will reduce this limit to \$30 per month.

**Priority:** High.

BB0384



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1613/

PJK:.....

PI  
JLD

DOA:.....Blaine – BB0386, Medical Assistance personal needs allowance ✓

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

SOON  
(1-21)  
D-note

do not  
get cut

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

*Analysis by the Legislative Reference Bureau*

HEALTH AND HUMAN SERVICES ✓

MEDICAL ASSISTANCE ✓

Under current law, a person who receives medical assistance ✓ and who is in a public medical institution, hospital, skilled nursing facility, or intermediate care facility generally may retain \$45 per month in unearned income for personal needs and must apply income in excess of that amount toward the cost of his or her care in the institution or facility. This bill changes the amount that may be retained for personal needs to \$30 per month.

For further information see the *state* 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:*

2 SECTION 1. 49.45 (7) (a) ✓ of the statutes is amended to read:

3 49.45 (7) (a) A recipient who is a patient in a public medical institution or an  
4 accommodated person and has a monthly income exceeding the payment rates

1 established under 42 USC 1382 (e) may retain \$45 \$30<sup>✓</sup> unearned income or the  
 2 amount of any pension paid under ~~38 USC 3203 (f)~~ ~~38 USC 5503 (d)~~<sup>✓</sup>, whichever is  
 3 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the  
 4 recipient shall apply income in excess of \$45 \$30<sup>✓</sup> or the amount of any pension paid  
 5 under ~~38 USC 3203 (f)~~ ~~38 USC 5503 (d)~~<sup>✓</sup>, whichever is greater, less any amount  
 6 deducted under rules promulgated by the department, toward the cost of care in the  
 7 facility.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pending. NOTE:  
 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.

8 **SECTION 9424. Effective dates; health and family services.**<sup>✓</sup>  
 9 (1) PERSONAL NEEDS ALLOWANCE. The treatment of section 49.45 (7) (a)<sup>✓</sup> of the  
 10 statutes takes effect on July 1, 2003<sup>✓</sup>, or on the first day of the first<sup>✓</sup> month beginning  
 11 after publication, whichever is later.

12 (END)

D-note

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

LRB-1613/7dn

PJK: x:....

JLd

Robert:

Is the effective date okay? Since the personal needs allowance is a monthly amount, I thought it would be best for the new amount to become effective at the beginning of a month.

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-1613/P1dn  
PJK:jld:pg

January 22, 2003

Robert:

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Pamela J. Kahler  
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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-1613/P1  
PJK:jld:pg

DOA:.....Blaine – BB0386, Medical Assistance personal needs allowance  
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12 (END)