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^{49.1471 (3m)}
-0229/2.2 SECTION 1192. ~~49.147 (3m)~~ of the statutes is created to read:

^{(B)(3m)} 49.147 ~~(3m)~~ ^(CS) [Collection of delinquent repayments.] ^(a) The department of workforce development may, in the manner provided in s. 49.85, collect job access loan repayments that are delinquent under the terms of a repayment agreement. The department of workforce development shall credit all delinquent repayments collected by the department of revenue as a setoff under s. 71.93 to the appropriation account under s. 20.445 (3) (jL). Use of the process under s. 49.85 does not preclude the department of workforce development from collecting delinquent repayments through other legal means.

~~INSERT FROM INSERT 350-202 P. 18, lines 1-3~~

~~2. Subdivision 1. applies to delinquent repayments existing on or after the effective date of this subdivision [revisor inserts date], regardless of when the loan was made or when the delinquency accrued.~~

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-1256/4.1 SECTION 1193. 49.148 (1m) (a) of the statutes is amended to read:

~~49.148 (1m) (a) A person who meets the eligibility requirements under s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 weeks 6 months old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of \$673 unless another adult member of the custodial parent's Wisconsin works Works group is participating in, or is eligible to participate in, a Wisconsin works Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (e). A Wisconsin works Works agency may not require a participant under this subsection to participate in any Wisconsin Works employment positions.~~

~~(b) 1. Receipt of a grant under this subsection does not constitute participation in a Wisconsin works Works employment position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b), or (5) (b) 2. if the child is born to the~~

1 participant not more than 10 months after the date that the participant was first
2 determined to be eligible for assistance under s. 49.19 or for a Wisconsin works Works
3 employment position.

4 ~~*-1256/4.2*~~ SECTION 1194. 49.148 (1m) (b) of the statutes is renumbered
5 49.148 (1m) (b) 2. and amended to read:

6 49.148 (1m) (b) 2. Receipt of a grant under this subsection constitutes
7 participation in a Wisconsin works Works employment position for purposes of the
8 time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4) (b), or (5) (b) 2. if the child
9 is born to the participant more than 10 months after the date that the participant
10 was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin
11 works Works employment position unless the child was conceived as a result of a
12 sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not
13 indicate a freely given agreement to have sexual intercourse or of incest in violation
14 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a
15 physician and to law enforcement authorities.

16 ~~*-1751/P2.1*~~ SECTION 1195. 49.155 (1g) (b) of the statutes is amended to read:

17 49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute
18 \$44,955,200 in fiscal year 2001-02 and \$27,977,500 \$6,679,100 in each fiscal year
19 2002-03 for the purposes of providing technical assistance for child care providers,
20 for administering the child care program under this section and for grants under s.
21 49.136 (2) for the start-up and expansion of child day care services, for child day care
22 start-up and expansion planning, for grants under s. 49.134 (2) for child day care
23 resource and referral services, for grants under s. 49.137 (3) to assist child care
24 providers in meeting the quality of care standards established under sub. (1d), for
25 a system of rates or a program of grants, as provided under sub. (1d), for

1 reimbursement of child care providers that meet those quality of care standards, for
2 grants under s. 49.137 (2) and (4m), for a child care scholarship and bonus program,
3 for safe child care activities, and for administration of the department's office of child
4 care, and for contracts under s. 49.137 (4) to improve the quality of child day care
5 services in this state.

6 *1751/P2.2* SECTION 1196. 49.155 (1g) (c) of the statutes is amended to read:

7 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
8 transfer \$4,549,500 \$4,440,600 in fiscal year 2001-02 2003-04 and \$4,733,700
9 \$4,507,900 in fiscal year 2002-03 2004-05 to the appropriation account under s.
10 20.435 (3) (kx).

11 *1751/P2.3* SECTION 1197. 49.155 (1g) (d) of the statutes is repealed.

12 *1256/4.3* SECTION 1198. 49.1635 (1) of the statutes is amended to read:

13 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
14 from the appropriation under s. 20.445 (3) (md) the department shall may distribute
15 funds to the Wisconsin Trust Account Foundation in an amount equal up to the
16 amount received by the foundation from private donations, but not to exceed
17 \$100,000 in each a fiscal year. Except as provided in sub. (4), funds distributed under
18 this subsection may be used only for the provision of legal services to individuals who
19 are eligible for temporary assistance for needy families under 42 USC 601 et seq. and
20 whose incomes are at or below 200% of the poverty line.

21 *1752/3.9* SECTION 1199. 49.167 (1) (intro.) of the statutes is amended to
22 read:

23 49.167 (1) (intro.) The department shall may award grants to counties, tribal
24 governing bodies, and private entities to provide community-based alcohol and
25 other drug abuse treatment programs that are targeted at individuals who have a

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1 family income of not more than 200% of the poverty line and who are eligible for
2 temporary assistance for needy families under 42 USC 601 et seq. and that do all of
3 the following:

4 *~~1752/3.10~~* SECTION 1200. 49.167 (2) (intro.) of the statutes is amended to
5 read:

6 49.167 (2) (intro.) The department shall do all of the following with respect to
7 the any grants awarded under par. (a):

8 *~~1752/3.11~~* SECTION 1201. 49.169 (2) of the statutes is amended to read:

9 49.169 (2) The department shall may award ~~not more than \$1,404,100 in~~
10 grants to qualified applicants for the provision of literacy training to individuals who
11 are eligible for temporary assistance for needy families under 42 USC 601 et. et seq.

12 *~~1752/3.12~~* SECTION 1202. 49.169 (4) of the statutes is amended to read:

13 49.169 (4) The department, in consultation with the technical college system
14 board, the department of public instruction, and the governor's office, shall develop
15 written criteria to be used to evaluate the any grant proposals and to allocate the any
16 grants under this section among the successful grant applicants.

17 *~~1243/1.30~~* SECTION 1203. 49.175 (1) (intro.) of the statutes is amended to
18 read:

19 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
20 the limits of the appropriations under s. 20.445 (3) (a), (cm), ~~(de)~~, (dz), ~~(e)~~, (jL), (k),
21 ~~(kx)~~, (L), (mc), (md), and (nL), ~~(pm)~~, and ~~(ps)~~, the department shall allocate the
22 following amounts for the following purposes:

23 *~~1752/3.13~~* SECTION 1204. 49.175 (1) (a) of the statutes is amended to read:

24 49.175 (1) (a) ~~Wisconsin works~~ Works ~~benefits~~ For Wisconsin ~~works~~ Works
25 benefits provided under contracts having a term that begins on January 1, 2000

wages and stipends

23

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keep →

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↑ wages, and stipends

1 ~~2002~~, and ends on December 31, ~~2001~~ ~~2003~~, \$24,654,800 ~~\$35,713,700~~ in fiscal year
 2 ~~2001-02~~ ~~2003-04~~; and for Wisconsin works Works benefits provided under contracts
 3 having a term that begins on January 1, ~~2002~~ ~~2004~~, and ends on December 31, ~~2003~~
 4 ~~2005~~, \$24,654,800 ~~\$35,713,800~~ in fiscal year ~~2001-02~~ ~~2003-04~~ and \$49,309,600
 5 ~~\$78,410,800~~ in fiscal year ~~2002-03~~ ~~2004-05~~.

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-1752/3.14 SECTION 1205. 49.175 (1) (b) of the statutes is amended to read:

49.175 (1) (b) ~~Wisconsin works~~ Works administration and ancillary services.

For administration of Wisconsin works and program services under Wisconsin works
 Works performed under contracts under s. 49.143 having a term that begins on
 January 1, ~~2000~~ ~~2002~~, and ends on December 31, ~~2001~~, ~~\$63,269,900~~ ~~2003~~,
 \$11,139,800 in fiscal year ~~2001-02~~ ~~2003-04~~; and for administration of Wisconsin
 works and program services under Wisconsin works Works performed under
 contracts under s. 49.143 having a term that begins on January 1, ~~2002~~ ~~2004~~, and
 ends on December 31, ~~2003~~, ~~\$49,610,800~~ ~~2005~~, ~~\$11,139,900~~ in fiscal year ~~2001-02~~
~~2003-04~~ and ~~\$99,221,600~~ ~~\$22,279,700~~ in fiscal year ~~2002-03~~ ~~2004-05~~.

-1752/3.15 SECTION 1206. 49.175 (1) (c) of the statutes is amended to read:

49.175 (1) (c) *Performance bonuses*. For the payment of performance bonuses
 to Wisconsin works Works agencies that have entered into contracts under s. 49.143
 having a term that begins on January 1, ~~2000~~ ~~2002~~, and that ends on
 December 31, ~~2001~~, ~~\$12,820,800~~ ~~2003~~, ~~\$0~~ in fiscal year ~~2001-02~~ ~~2003-04~~.

-1752/3.16 SECTION 1207. 49.175 (1) (d) of the statutes is repealed.

-1752/3.17 SECTION 1208. 49.175 (1) (e) of the statutes is repealed.

-1752/3.18 SECTION 1209. 49.175 (1) (f) of the statutes is created to read:

49.175 (1) (f) ~~Wisconsin~~ Works ancillary services. For program services under
 Wisconsin Works, including transportation assistance for individuals who are

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education and training, mentoring,
and other services

1 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.,
2 provided under contracts under s. 49.143 having a term that begins on January 1,
3 2002, and ends on December 31, 2003, \$27,803,300 in fiscal year 2003-04; and for
4 program services under Wisconsin Works, including transportation assistance for
5 individuals who are eligible to receive temporary assistance for needy families under
6 42 USC 601 et seq., provided under contracts under s. 49.143 having a term that
7 begins on January 1, 2004, and ends on December 31, 2005, \$27,803,300 in fiscal year
8 2003-04 and \$55,606,600 in fiscal year 2004-05.

9 *-1752/3.19* SECTION 1210. 49.175 (1) (g) of the statutes is amended to read:
10 49.175 (1) (g) *State administration of public assistance programs.* For state
11 administration of public assistance programs, \$24,680,700 in fiscal year 2001-02
12 and \$24,693,200 \$18,552,100 in each fiscal year 2002-03.

13 *-1752/3.20* SECTION 1211. 49.175 (1) (h) of the statutes is repealed.

14 *-1752/3.21* SECTION 1212. 49.175 (1) (i) of the statutes is amended to read:
15 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
16 \$3,300,000 \$4,500,000 in each fiscal year.

17 *-1752/3.22* SECTION 1213. 49.175 (1) (j) of the statutes is repealed.

18 *-1752/3.23* SECTION 1214. 49.175 (1) (n) of the statutes is amended to read:
19 49.175 (1) (n) *Job access loans.* For job access loans under s. 49.147 (6),
20 \$600,000 \$200,000 in each fiscal year.

21 *-1752/3.24* SECTION 1215. 49.175 (1) (p) of the statutes is amended to read:

22 49.175 (1) (p) Direct-child ~~child~~ care services ~~subsidies~~. For direct
23 ~~reimbursements to~~ child care services ~~providers~~ under s. 49.155, \$274,500,000
24 ~~\$282,470,700~~ in fiscal year 2001-02 2003-04 and \$305,550,000 ~~\$280,221,700~~ in
25 fiscal year 2002-03 2004-05.

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\$293,634,300
\$291,385,000

do delete

1 *~~1752/3.25~~* SECTION 1216. 49.175 (1) (pm) of the statutes is created to read:
2 49.175 (1) (pm) *Child care local administration and contract care costs.* For
3 reimbursement to counties for the cost of administration under s. 49.155 (3), to
4 private nonprofit agencies for child care provided for children of migrant workers
5 under s. 49.155 (3m), and to Wisconsin Works agencies for child care provided to
6 Wisconsin Works participants and applicants under s. 49.155 (3m), \$16,240,600 in
7 each fiscal year.

8 *~~1752/3.26~~* SECTION 1217. 49.175 (1) (q) of the statutes is amended to read:
9 49.175 (1) (q) *Indirect child care services.* For indirect child care services under
10 s. 49.155 (1g), ~~\$24,293,900~~ \$6,859,400 in fiscal year ~~2001-02~~ 2003-04 and
11 ~~\$15,458,000~~ \$6,926,700 in fiscal year ~~2002-03~~ 2004-05.

12 *~~1752/3.27~~* SECTION 1218. 49.175 (1) (qm) of the statutes is amended to read:
13 49.175 (1) (qm) *Local pass-through grant program.* For the local pass-through
14 grant program under s. 49.137 (4m), ~~\$25,210,800 in fiscal year 2001-02 and~~
15 ~~\$17,253,200~~ \$4,395,500 in each fiscal year ~~2002-03~~.

16 *~~1752/3.28~~* SECTION 1219. 49.175 (1) (r) of the statutes is amended to read:
17 49.175 (1) (r) *Early childhood excellence initiative.* For grants under s. 49.1375,
18 ~~\$11,395,900 in fiscal year 2001-02 and \$2,750,000~~ \$2,500,000 in each fiscal year
19 ~~2002-03~~.

20 *~~1752/3.29~~* SECTION 1220. 49.175 (1) (u) of the statutes is amended to read:
21 49.175 (1) (u) *Workforce attachment and advancement program.* For services
22 specified under s. 49.173, ~~\$9,641,000 in fiscal year 2001-02 and \$7,842,200~~
23 ~~\$2,000,000~~ in each fiscal year ~~2002-03~~.

24 *~~1752/3.30~~* SECTION 1221. 49.175 (1) (v) of the statutes is repealed.

25 *~~1752/3.31~~* SECTION 1222. 49.175 (1) (y) of the statutes is repealed.

1 *~~1752/3.32~~* SECTION 1223. 49.175 (1) (z) of the statutes is amended to read:

2 49.175 (1) (z) ~~Community youth grant~~ Grants to the Boys and Girls Clubs of
3 America. For a ~~competitive grant program administered by the department grants~~
4 to the Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs
5 that improve social, academic, and employment skills of youth who are eligible to
6 receive temporary assistance for needy families under 42 USC 601 et seq.,
7 ~~\$7,829,700 in fiscal year 2001–02 and \$300,000 in each~~ fiscal year 2002–03.

8 *~~1752/3.33~~* SECTION 1224. 49.175 (1) (zd) of the statutes is repealed.

9 *~~1752/3.34~~* SECTION 1225. 49.175 (1) (ze) 1. of the statutes is amended to
10 read:

11 49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the
12 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
13 (3p), ~~\$24,852,600~~ \$24,155,700 in each fiscal year.

14 *~~1752/3.35~~* SECTION 1226. 49.175 (1) (ze) 2. of the statutes is amended to
15 read:

16 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For
17 payments made under s. 49.775 for the support of the dependent children of
18 recipients of supplemental security income, ~~\$20,145,000~~ \$20,883,700 in fiscal year
19 ~~2001–02 2003–04~~ and ~~\$19,796,000~~ \$19,969,800 in fiscal year ~~2002–03~~ 2004–05.

20 *~~1752/3.36~~* SECTION 1227. 49.175 (1) (ze) 6. of the statutes is repealed.

21 *~~1752/3.37~~* SECTION 1228. 49.175 (1) (ze) 7. of the statutes is repealed.

22 *~~1752/3.38~~* SECTION 1229. 49.175 (1) (ze) 8. of the statutes is amended to
23 read:

24 49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse
25 services grants under s. 46.95 (2), ~~\$1,000,000~~ \$750,000 in each fiscal year.

1 *~~1752/3.39~~* SECTION 1230. 49.175 (1) (ze) 9. of the statutes is repealed.

2 *~~1752/3.40~~* SECTION 1231. 49.175 (1) (ze) 12. of the statutes is created to read:

3 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
4 the costs associated with the Milwaukee child welfare information system and the
5 Wisconsin statewide automated child welfare information system, \$1,695,700 in
6 fiscal year 2003–04 and \$1,741,300 in fiscal year 2004–05.

7 *~~1752/3.41~~* SECTION 1232. 49.175 (1) (zf) of the statutes is repealed.

8 *~~1752/3.42~~* SECTION 1233. 49.175 (1) (zg) of the statutes is repealed.

9 *~~1752/3.43~~* SECTION 1234. 49.175 (1) (zh) of the statutes is amended to read:

10 49.175 (1) (zh) *Taxable years 1999 and thereafter.* For the transfer of moneys
11 from the appropriation account under s. 20.445 (3) (md) to the appropriation account
12 under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$51,244,500~~ \$57,892,000 in
13 fiscal year ~~2001–02~~ 2003–04 and ~~\$55,160,000~~ \$50,300,000 in fiscal year ~~2002–03~~
14 2004–05.

15 *~~1752/3.44~~* SECTION 1235. 49.175 (1) (zj) of the statutes is amended to read:

16 49.175 (1) (zj) *Head start Start.* For the transfer of moneys to the department
17 of public instruction for head-start Head Start agencies, ~~\$3,712,500~~ \$3,500,000 in
18 each fiscal year.

19 *~~1752/3.45~~* SECTION 1236. 49.175 (1) (zk) of the statutes is repealed.

20 *~~1752/3.46~~* SECTION 1237. 49.179 of the statutes is repealed.

21 *~~0529/4.99~~* SECTION 1238. 49.19 (3) (b) of the statutes is amended to read:

22 49.19 (3) (b) If the county department under s. 46.215 or 46.22 finds a person
23 eligible for aid under this section, that county department shall, on a form to be
24 prescribed by the department, direct the payment of such aid by order upon the state
25 ~~treasurer~~ secretary of administration. Payment of aid shall be made monthly, based

1 on a calendar month or fiscal month as defined by the department; except that the
2 director of the county department may, in his or her discretion for the purpose of
3 protecting the public, direct that the monthly allowance be paid in accordance with
4 sub. (5) (c).

5 *~~0190/7.9~~* SECTION 1239. 49.19 (5) (d) of the statutes is amended to read:

6 49.19 (5) (d) The department shall reimburse the county for the funeral, burial,
7 and cemetery expenses of a dependent child or the child's parents as provided in s.
8 ~~49.30~~ 49.785.

9 *~~0529/4.100~~* SECTION 1240. 49.19 (14) (b) of the statutes is amended to read:

10 49.19 (14) (b) If the ~~state treasurer~~ secretary of administration is unable to
11 issue a replacement check or draft requested under par. (a) because the original has
12 been paid, the department shall promptly authorize the issuance of a replacement
13 check or draft. If the ~~state treasurer~~ secretary of administration recovers the amount
14 of the original check or draft that amount shall be returned to the department. If the
15 ~~state treasurer~~ secretary of administration is unable to obtain recovery, the
16 department may pursue recovery.

17 *~~0279/1.2~~* SECTION 1241. 49.22 (7m) of the statutes is amended to read:

18 49.22 (7m) The department may contract with or employ a collection agency
19 or other person to enforce a support obligation of a parent who is delinquent in
20 making support payments and may contract with or employ an attorney to appear
21 in an action in state or federal court to enforce such an obligation. To pay for the
22 department's administrative costs of implementing this subsection, the department
23 may charge a fee to counties, ~~retain up to 50% of any incentive payment made to this~~
24 ~~state under 42 USC 658 for a collection under this subsection, and retain use federal~~
25 matching funds or funds retained by the department under s. 49.24 (2) (c), or use up

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1 to 30% of this state's share of a collection made under this subsection on behalf of a
2 recipient of aid to families with dependent children or a recipient of kinship care
3 payments under s. 48.57 (3m) or long-term kinship care payments under s. 48.57
4 (3n).

5 ***-1824/6.14* SECTION 1242.** 49.22 (7m) of the statutes, as affected by 2003
6 Wisconsin Act (this act), is amended to read:

7 49.22 (7m) The department may contract with or employ a collection agency
8 or other person to enforce a support obligation of a parent who is delinquent in
9 making support payments and, with the advice and consent of the attorney general,
10 ~~may contract with or employ~~ retain an attorney to appear in an action in state or
11 federal court to enforce such an obligation. To pay for the department's
12 administrative costs of implementing this subsection, the department may charge
13 a fee to counties, use federal matching funds or funds retained by the department
14 under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection made under
15 this subsection on behalf of a recipient of aid to families with dependent children or
16 a recipient of kinship care payments under s. 48.57 (3m) or long-term kinship care
17 payments under s. 48.57 (3n).

****NOTE: This is reconciled s. 49.22 (7m), affected by LRB-1824 and LRB-0279.
It incorporates the changes made by LRB-0279.

18 ***-0279/1.3* SECTION 1243.** 49.24 (2) (b) of the statutes is amended to read:
19 49.24 (2) (b) The Except as provided in par. (c), the total of payments made to
20 counties under sub. (1) and in federal child support incentive payments may not
21 exceed \$12,340,000 per year.

22 ***-0279/1.4* SECTION 1244.** 49.24 (2) (c) of the statutes is created to read:

1 49.24 (2) (c) If federal child support incentive payments that are received for
2 a year exceed the maximum specified in par. (b), 50% of the amount that exceeds the
3 maximum specified in par. (b) shall be distributed to counties according to the
4 formula under par. (a), subject to the incentive payments limit specified in par. (a),
5 and the remainder shall be retained by the department to pay the costs of the
6 department's activities under ss. 49.22 and 49.227 and costs related to receiving and
7 disbursing support and support-related payments.

8 *~~0279/1.5~~* SECTION 1245. 49.24 (3) of the statutes is amended to read:

9 49.24 (3) A county that receives any state child support incentive payment
10 under sub. (1) or any federal child support incentive payment under sub. (2) (a) or
11 (c) may use the funds only to pay costs under its child support program under s. 49.22.

12 *~~0190/7.10~~* SECTION 1246. 49.30 of the statutes is renumbered 49.785, and
13 49.785 (2), as renumbered, is amended to read:

14 49.785 (2) From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~
15 appropriation under s. 20.435 (4) (bn), the department shall reimburse a county or
16 applicable tribal governing body or organization for any amount that the county or
17 applicable tribal governing body or organization is required to pay under sub. (1).
18 From the ~~appropriations under s. 20.445 (3) (dz) and (md)~~ appropriation under s.
19 20.435 (4) (bn), the department shall reimburse a county or applicable tribal
20 governing body or organization for cemetery expenses or for funeral and burial
21 expenses for persons described under sub. (1) that the county or applicable tribal
22 governing body or organization is not required to pay under subs. (1) and (1m) only
23 if the department approves the reimbursement due to unusual circumstances.

24 *~~0190/7.11~~* SECTION 1247. 49.32 (2) (d) of the statutes is repealed.

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1 *~~-0190/7.12~~* SECTION 1248. 49.33 of the statutes is renumbered 49.78, and
2 49.78 (1) (b), (2), (4), (7), (8) (a) and (10), as renumbered, are amended to read:

3 49.78 (1) (b) “Income maintenance program” means the ~~medical assistance~~
4 Medical Assistance program under subch. IV of ch. 49, the ~~badger care~~ Badger Care
5 health care program under s. 49.665, ~~or~~ the food stamp program under 7 USC 2011
6 to 2036, or the cemetery, funeral, and burial expenses program under s. 49.785.

7 (2) CONTRACTS. Annually, the department of ~~health and family services~~ shall
8 contract with county departments under ss. 46.215, 46.22, and 46.23, and may
9 contract with tribal governing bodies, to reimburse the county departments and
10 tribal governing bodies for the reasonable cost of administering income maintenance
11 programs.

12 (4) RULES; MERIT SYSTEM. The department of workforce development shall
13 promulgate rules for the efficient administration of aid to families with dependent
14 children in agreement with the requirement for federal aid, including the
15 establishment and maintenance of personnel standards on a merit basis. The
16 provisions of this section relating to personnel standards on a merit basis supersede
17 any inconsistent provisions of any law relating to county personnel. This subsection
18 shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

19 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under sub. (4),
20 the department of workforce development where requested by the county shall
21 delegate to that county, without restriction because of enumeration, any or all of the
22 ~~department’s~~ department of workforce development’s authority under sub. (4) to
23 establish and maintain personnel standards including salary levels.

24 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and
25 subject to par. (b), the department of ~~health and family services~~ shall reimburse each

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1 county and tribal governing body that contracts with the department under sub. (2)
2 for reasonable costs of administering the income maintenance programs. The
3 amount of each reimbursement paid under this paragraph shall be calculated using
4 a formula based on workload within the limits of available state and federal funds
5 under s. 20.435 (4) (bn) and (nn) by contract under s. ~~49.33~~ sub. (2). The amount of
6 reimbursement calculated under this paragraph and par. (b) is in addition to any
7 reimbursement provided to a county or tribal governing body for fraud and error
8 reduction under s. 49.197 (1m) and (4).

9 (10) COUNTY CERTIFICATION. (a) Each county treasurer and director of a county
10 department under s. 46.215, 46.22, or 46.23 and each tribal governing body shall
11 certify monthly under oath to the department of health and family services in such
12 manner as the department of health and family services prescribes the claim of the
13 county for state reimbursement under sub. (8) (a). The department of health and
14 family services shall review each claim of reimbursement and, if the department of
15 health and family services approves the claim, the department of health and family
16 services shall certify to the department of administration for reimbursement to the
17 county for amounts due under sub. (8) (a) and payment claimed to be made to the
18 counties monthly. The department of health and family services may make advance
19 payments prior to the beginning of each month equal to one-twelfth of the contracted
20 amount.

21 (b) To facilitate prompt reimbursement the certificate of the department of
22 health and family services may be based on the certified statements of the county
23 officers or tribal governing body executives filed under par. (a). Funds recovered
24 from audit adjustments from a prior fiscal year may be included in subsequent
25 certifications only to pay counties owed funds as a result of any audit adjustment.

1 By September 30 annually, the department of ~~health and family services~~ shall
2 submit a report to the appropriate standing committees under s. 13.172 (3) on funds
3 recovered and paid out during the previous calendar year as a result of audit
4 adjustments.

5 ***-0190/7.13* SECTION 1249.** 49.45 (2) (a) 3. of the statutes is amended to read:

6 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
7 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
8 policies adopted by the department and ~~shall may~~, under a contract under s. ~~49.33~~
9 49.78 (2), designate delegate all, or any portion, of this function to the county
10 department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

11 ***-1760/2.7* SECTION 1250.** 49.45 (2) (a) 17. of the statutes is amended to read:

12 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
13 organization, the joint committee on finance and appropriate standing committees,
14 as determined by the presiding officer of each house, if the appropriation accounts
15 under s. 20.435 (4) (b) is , (gp), and (r) are insufficient to provide the state share of
16 medical assistance.

****NOTE: This is reconciled s. 49.45 (2) (a) 17. This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

17 ***-1486/2.3* SECTION 1251.** 49.45 (2) (a) 25. of the statutes is created to read:

18 49.45 (2) (a) 25. a. For the privilege of doing business in this state, there is
19 imposed on each health maintenance organization, as defined in s. 609.01 (2), an
20 annual assessment of 1% of the health maintenance organization's gross revenues
21 for the immediately preceding calendar year. The assessment shall be deposited into
22 the Medical Assistance trust fund. The department shall determine the amount of
23 each health maintenance organization's assessment, based on a statement that the

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1 health maintenance organization shall file annually, by March 1, with the office of
2 the commissioner of insurance. Each health maintenance organization shall pay
3 one-fourth of the total assessment quarterly, by March 31, June 30, September 30,
4 and December 31 of each year.

5 b. Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
6 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
7 subch. III of ch. 77, apply to the assessment under this section, except that the
8 amount of any assessment collected under subd. 25. a. shall be deposited into the
9 Medical Assistance trust fund.

10 c. The department shall levy, enforce, and collect the assessment under this
11 subdivision and shall develop and distribute forms necessary for levying and
12 collection.

13 d. The department shall promulgate rules that establish procedures and
14 requirements for levying the assessment under this subdivision.

15 e. An affected health maintenance organization may contest an action by the
16 department under this subdivision by submitting a written request for a hearing to
17 the department within 3 days after the date of the department's action.

18 f. Any order or determination made by the department under a hearing as
19 specified in subd. 25. e. is subject to judicial review as prescribed under ch. 227.

20 ***-0190/7.14* SECTION 1252.** 49.45 (3) (a) of the statutes is amended to read:

21 49.45 (3) (a) Reimbursement shall be made to each county department under
22 ss. 46.215, 46.22, and 46.23 for the any administrative services performed in the
23 ~~medical-assistance~~ Medical Assistance program on the basis of s. ~~49.33~~ 49.78 (8). For
24 purposes of reimbursement under this paragraph, assessments completed under s.

1 46.27 (6) (a) are administrative services performed in the ~~medical assistance~~ Medical
2 Assistance program.

3 *~~0094/P1.1~~* SECTION 1253. 49.45 (3) (am) of the statutes is repealed.

4 *~~0190/7.15~~* SECTION 1254. 49.45 (5) (b) 1. (intro.) of the statutes is amended
5 to read:

6 49.45 (5) (b) 1. (intro.) Upon receipt of a timely petition under par. (a) the
7 department shall give the applicant or recipient reasonable notice and opportunity
8 for a fair hearing. The department may make such additional investigation as it
9 considers necessary. Notice of the hearing shall be given to the applicant or recipient
10 and to the ~~county clerk or, if a Wisconsin works agency,~~ if a county department under
11 s. 46.215, 46.22, or 46.23 is responsible for making the medical assistance
12 determination, ~~the Wisconsin works agency to the county clerk of the county.~~ The
13 county ~~or the Wisconsin works agency~~ may be represented at such hearing. The
14 department shall render its decision as soon as possible after the hearing and shall
15 send a certified copy of its decision to the applicant or recipient, to the county clerk,
16 and to the any county officer ~~or the Wisconsin works agency~~ charged with
17 administration of the ~~medical assistance~~ Medical Assistance program. The decision
18 of the department shall have the same effect as an order of ~~the a~~ county officer ~~or the~~
19 ~~Wisconsin works agency~~ charged with the administration of the ~~medical assistance~~
20 Medical Assistance program. The decision shall be final, but may be revoked or
21 modified as altered conditions may require. The department shall deny a petition
22 for a hearing or shall refuse to grant relief if:

23 *~~0190/7.16~~* SECTION 1255. 49.45 (5) (b) 2. (intro.) of the statutes is amended
24 to read:

SECTION 1255

1 49.45 (5) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
2 period specified in 42 CFR 431.231 (c), medical assistance coverage shall not be
3 suspended, reduced, or discontinued until a decision is rendered after the hearing
4 but medical assistance payments made pending the hearing decision may be
5 recovered by the department if the contested decision or failure to act is upheld. The
6 ~~department shall promptly notify the county department or, if a Wisconsin works~~
7 ~~agency~~ If a county department is responsible for making the medical assistance
8 determination, the ~~Wisconsin works agency~~ department shall notify the county
9 department of the county in which the recipient resides that the recipient has
10 requested a hearing. Medical assistance coverage shall be suspended, reduced, or
11 discontinued if:

12 *~~-1253/8.1~~* SECTION 1256. 49.45 (5m) (title) of the statutes is amended to read:

13 49.45 (5m) (title) SUPPLEMENTAL FUNDING FOR ~~RURAL~~ CRITICAL ACCESS HOSPITALS.

14 *~~-1253/8.2~~* SECTION 1257. 49.45 (5m) (am) of the statutes is amended to read:

15 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the ~~appropriations~~
16 appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r), and (w), the department
17 shall ~~distribute not more than \$2,256,000 in each fiscal year, to provide~~
18 ~~supplemental funds to rural hospitals that, as determined by the department, have~~
19 ~~high utilization of inpatient services by patients whose care is provided from~~
20 ~~governmental sources, and to provide supplemental funds to critical access~~
21 ~~hospitals, except that the department may not distribute funds to a rural hospital~~
22 ~~or to a critical access hospital to the extent that the distribution would exceed any~~
23 limitation under 42 USC 1396b (i) (3).

****NOTE: This is reconciled s. 49.45 (5m) (am). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1253/7, LRB-1755/P2, and LRB-1760/1.

1 *~~1253/8.3~~* SECTION 1258. 49.45 (5m) (b) of the statutes is repealed.

2 *~~0206/1.1~~* SECTION 1259. 49.45 (6b) of the statutes is amended to read:

3 49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
4 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
5 services provided by the centers for the developmentally disabled. Reimbursement
6 to the centers for the developmentally disabled shall be reduced following each
7 placement made under s. 46.275 that involves a relocation from a center for the
8 developmentally disabled, by ~~\$200 per day, beginning in fiscal year 2001–02, and by~~
9 \$225 per day, beginning in fiscal year 2002–03, and by \$325 per day, beginning in
10 fiscal year 2004–05.

11 *~~0209/2.2~~* SECTION 1260. 49.45 (6c) (a) 6m. of the statutes is created to read:

12 49.45 (6c) (a) 6m. “Intermediate facility” has the meaning given in s. 46.279
13 (1) (a).

14 *~~0209/2.3~~* SECTION 1261. 49.45 (6c) (b) of the statutes is amended to read:

15 49.45 (6c) (b) *Preadmission screening*. Except as provided in par. (e), ~~beginning~~
16 ~~on August 9, 1989~~, every individual who applies for admission to a facility or to an
17 institution for mental diseases shall be screened to determine if the individual has
18 developmental disability or mental illness. ~~Beginning on August 9, 1989, the~~ The
19 department or an entity to which the department has delegated authority shall
20 screen every individual who has been identified as having a developmental disability
21 or mental illness to determine if the individual needs facility care. If the individual
22 is determined to need facility care, the department or an entity to which the
23 department has delegated authority shall also assess the individual to determine if
24 he or she requires active treatment for developmental disability or active treatment
25 for mental illness. If the department or entity determines that the individual

1 requires active treatment for developmental disability, the department or entity
2 shall determine whether the level of care required by the individual that is provided
3 by a facility could be provided safely in an intermediate facility or under a plan that
4 is developed under s. 46.279 (4).

5 *~~0209/2.4~~* SECTION 1262. 49.45 (6c) (c) (intro.) of the statutes is amended to
6 read:

7 49.45 (6c) (c) *Resident review.* (intro.) Except as provided in par. (e), the
8 department or an entity to which the department has delegated authority shall
9 review every resident of a facility or institution for mental diseases who has a
10 developmental disability or mental illness and who has experienced a significant
11 change in his or her physical or mental condition to determine if ~~any~~ all of the
12 following applies:

13 *~~0209/2.5~~* SECTION 1263. 49.45 (6c) (c) 1. of the statutes is amended to read:

14 49.45 (6c) (c) 1. ~~The~~ Whether the resident needs facility care.

15 *~~0209/2.6~~* SECTION 1264. 49.45 (6c) (c) 2. of the statutes is amended to read:

16 49.45 (6c) (c) 2. ~~The~~ Whether the resident requires active treatment for
17 developmental disability or active treatment for mental illness.

18 *~~0209/2.7~~* SECTION 1265. 49.45 (6c) (c) 3. of the statutes is created to read:

19 49.45 (6c) (c) 3. If the department or entity determines under subd. 1. that the
20 resident needs facility care and under subd. 2. that the resident requires active
21 treatment for developmental disability, whether the level of care required by the
22 resident that is provided by a facility could be provided safely in an intermediate
23 facility or under a plan that is developed under s. 46.279 (4).

24 *~~0210/4.1~~* SECTION 1266. 49.45 (6m) (a) 4. of the statutes is repealed.

1 ***-1760/2.8*** SECTION 1267. 49.45 (6m) (ag) (intro.) of the statutes is amended
2 to read:

3 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
4 subsection made under s. 20.435 (4) (b), (~~gp~~), (pa), (o), (~~r~~), (w), or (wm) shall, except
5 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
6 payment system updated annually by the department. The payment system shall
7 implement standards that are necessary and proper for providing patient care and
8 that meet quality and safety standards established under subch. II of ch. 50 and ch.
9 150. The payment system shall reflect all of the following:

 ***NOTE: This is reconciled s. 49.45 (6m) (ag) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

10 ***-0210/4.2*** SECTION 1268. 49.45 (6m) (ag) 2. of the statutes is amended to
11 read:

12 49.45 (6m) (ag) 2. Standards Except as provided in subd. 3r., standards
13 established by the department that shall be based upon allowable costs incurred by
14 facilities in the state as available from information submitted under par. (c) 3. and
15 compiled by the department.

16 ***-0210/4.3*** SECTION 1269. 49.45 (6m) (ag) 3m. of the statutes is amended to
17 read:

18 49.45 (6m) (ag) 3m. For each state fiscal year ~~1999–2000~~, rates that shall be
19 set by the department based on information from cost reports for the 1998 most
20 recently completed fiscal year of the facility and for state fiscal year 2000–01, rates
21 ~~that shall be set by the department based on information from cost reports for the~~
22 ~~1999 fiscal year of the facility.~~

1 ***-0210/4.4*** SECTION 1270. 49.45 (6m) (ag) 3m. of the statutes, as affected by
2 2003 Wisconsin Act (this act), is amended to read:

3 49.45 (6m) (ag) 3m. For each state fiscal year, rates that shall be set by the
4 department based on information from cost reports for costs specified under par. (am)
5 1. bm., 4., 5m., and 6. for the most recently completed fiscal year of the facility.

6 ***-0210/4.5*** SECTION 1271. 49.45 (6m) (ag) 3r. of the statutes is created to read:
7 49.45 (6m) (ag) 3r. Flat-rate payment, as determined by the department, for
8 costs specified under par. (am) 1. a. and 2.

9 ***-0210/4.6*** SECTION 1272. 49.45 (6m) (ag) 3r. of the statutes, as created by
10 2003 Wisconsin Act (this act), is amended to read:

11 49.45 (6m) (ag) 3r. Flat-rate payment, ~~as determined by the department,~~ for
12 all costs specified under par. (am) 1. a. and 2.

13 ***-0210/4.7*** SECTION 1273. 49.45 (6m) (am) 1. a. of the statutes is amended to
14 read:

15 49.45 (6m) (am) 1. a. Personal comfort supplies; medical supplies;
16 over-the-counter drugs; and nonbillable services of a ward clerk, activity person,
17 recreation person, social worker, volunteer coordinator, teacher for residents aged 22
18 and older, vocational counselor for residents aged 22 and older, religious person,
19 therapy aide, therapy assistant, and counselor on resident living.

20 ***-0210/4.8*** SECTION 1274. 49.45 (6m) (am) 1. b. of the statutes is repealed.

21 ***-0210/4.9*** SECTION 1275. 49.45 (6m) (am) 1. bm. of the statutes is created to
22 read:

23 49.45 (6m) (am) 1. bm. Nonbillable services of a registered nurse, licensed
24 practical nurse and nurse's assistant.

25 ***-0210/4.10*** SECTION 1276. 49.45 (6m) (am) 1. d. of the statutes is repealed.

1 *~~0210/4.11~~* SECTION 1277. 49.45 (6m) (am) 1. e. of the statutes is repealed.

2 *~~0210/4.12~~* SECTION 1278. 49.45 (6m) (am) 3. (intro.) of the statutes is
3 renumbered 49.45 (6m) (am) 2. c. and amended to read:

4 49.45 (6m) (am) 2. c. Allowable fuel and utility costs, including the facility
5 expenses that the department determines are allowable for the provision of:
6 electrical service, water and sewer services, and heat.

7 *~~0210/4.13~~* SECTION 1279. 49.45 (6m) (am) 3. a. of the statutes is repealed.

8 *~~0210/4.14~~* SECTION 1280. 49.45 (6m) (am) 3. b. of the statutes is repealed.

9 *~~0210/4.15~~* SECTION 1281. 49.45 (6m) (am) 3. c. of the statutes is repealed.

10 *~~0210/4.16~~* SECTION 1282. 49.45 (6m) (am) 4. of the statutes is amended to
11 read:

12 49.45 (6m) (am) 4. ~~Net property~~ Property tax or allowable municipal service
13 costs ~~incurred~~ paid by the owner of the facility for the facility.

14 *~~0210/4.17~~* SECTION 1283. 49.45 (6m) (am) 5. of the statutes is renumbered
15 49.45 (6m) (am) 2. d.

16 *~~1252/3.1~~* SECTION 1284. 49.45 (6m) (ar) 1. a. of the statutes is amended to
17 read:

18 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
19 allowable direct care costs, for facilities that do not primarily serve the
20 developmentally disabled, that take into account direct care costs for a sample of all
21 of those facilities in this state and separate standards for payment of allowable direct
22 care costs, for facilities that primarily serve the developmentally disabled, that take
23 into account direct care costs for a sample of all of those facilities in this state. The
24 standards shall be adjusted by the department for regional labor cost variations. ~~For~~
25 ~~facilities in Douglas, Pierce, and St. Croix counties, the department shall perform the~~

1 ~~adjustment by use of the wage index that is used by the federal department of health~~
2 ~~and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.~~

3 *~~0210/4.18~~* SECTION 1285. 49.45 (6m) (ar) 1. a. of the statutes, as affected by
4 2003 Wisconsin Act (this act), is amended to read:

5 49.45 (6m) (ar) 1. a. The department shall establish standards for payment of
6 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
7 serve the developmentally disabled, that take into account direct care costs for a
8 sample of all of those facilities in this state and separate standards for payment of
9 allowable direct care costs, for facilities that primarily serve the developmentally
10 disabled, that take into account direct care costs for a sample of all of those facilities
11 in this state. The standards shall be adjusted by the department for regional labor
12 cost variations.

***NOTE: This is reconciled s. 49.45 (6m) (ar) 1. a. This SECTION has been affected
by drafts with the following LRB numbers: LRB-0210/3 and LRB-1252/2.

13 *~~0210/4.19~~* SECTION 1286. 49.45 (6m) (ar) 2. (intro.) and 2. a. of the statutes
14 are consolidated, renumbered 49.45 (6m) (ar) 2. and amended to read:

15 49.45 (6m) (ar) 2. For support service costs: ~~2. a. The~~ the department shall
16 establish one or more standards for the payment of support service costs that take
17 into account support service costs for a sample of all facilities within the state.

18 *~~0210/4.20~~* SECTION 1287. 49.45 (6m) (ar) 2. b. of the statutes is repealed.

19 *~~0210/4.21~~* SECTION 1288. 49.45 (6m) (ar) 2. d. of the statutes is repealed.

20 *~~0210/4.22~~* SECTION 1289. 49.45 (6m) (ar) 3. of the statutes is repealed.

21 *~~0210/4.23~~* SECTION 1290. 49.45 (6m) (ar) 5. of the statutes is repealed.

22 *~~0210/4.24~~* SECTION 1291. 49.45 (6m) (av) 1. of the statutes is renumbered
23 49.45 (6m) (av) and amended to read:

1 49.45 (6m) (av) The department shall calculate a payment rate for a facility by
2 applying the criteria set forth under pars. (ag) 1. to 5. and 7., (am) 1. ~~to 5.~~ bm., 4., 5m.
3 and 6., and (ar) 1. ~~to 5., 4., and 6.~~ to information from cost reports submitted by the
4 facility, as affected by any adjustment for ancillary services and materials under par.
5 (b).

6 *~~-0210/4.25~~* SECTION 1292. 49.45 (6m) (av) 2. of the statutes is repealed.

7 *~~-0210/4.26~~* SECTION 1293. 49.45 (6m) (av) 3. of the statutes is repealed.

8 *~~-0210/4.27~~* SECTION 1294. 49.45 (6m) (av) 4. of the statutes is repealed.

9 *~~-0210/4.28~~* SECTION 1295. 49.45 (6m) (av) 5. of the statutes is repealed.

10 *~~-0210/4.29~~* SECTION 1296. 49.45 (6m) (av) 5m. of the statutes is repealed.

11 *~~-0210/4.30~~* SECTION 1297. 49.45 (6m) (av) 6. of the statutes is repealed.

12 *~~-0210/4.31~~* SECTION 1298. 49.45 (6m) (bc) of the statutes is repealed.

13 *~~-1611/4.1~~* SECTION 1299. 49.45 (6t) of the statutes, as affected by 2001
14 Wisconsin Act 16, is renumbered 49.45 (6t) (a), and 49.45 (6t) (a) (intro.), 1., 2. (intro.),
15 3. and 4., as renumbered, are amended to read:

16 49.45 (6t) (a) (intro.) From the appropriation under s. 20.435 (4) (o), for
17 reduction of operating deficits, as defined under criteria developed by the
18 department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
19 or by a local health department, as defined in s. 250.01 (4), for services provided
20 under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., and L., ~~and Lm.~~, 9., and 15., for case
21 management services under s. 49.46 (2) (b) 12. and for mental health day treatment
22 services for minors provided under the authorization under 42 USC 1396d (r) (5), the
23 department shall allocate moneys in each fiscal year to these county departments,
24 or local health departments as determined by the department, and shall perform all
25 of the following:

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

8 2. (intro.) Based on the amount estimated to be available under ~~par. (a)~~ subd.
9 1., develop a method, which need not be promulgated as rules under ch. 227, to
10 distribute this allocation to the individual county departments under s. 46.215,
11 46.22, 46.23 or 51.42 or to local health departments that have incurred operating
12 deficits that shall include all of the following:

13 3. Except as provided in ~~par. (d)~~ subd. 4., distribute the allocation under the
14 distribution method that is developed.

15 4. If the federal department of health and human services approves for state
16 expenditure in a fiscal year amounts under s. 20.435 (4) (o) that result in a lesser
17 allocation amount than that allocated under this subsection or disallows use of the
18 allocation of federal medicaid funds under ~~par. (e)~~ subd. 3., reduce allocations under
19 this subsection and distribute on a prorated basis, as determined by the department.

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

****NOTE: This is reconciled s. 49.45 (6t). This SECTION has been affected by drafts with the following LRB numbers: LRB-0030/P1 and LRB-1611/3.

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

20 *-1611/4.2* SECTION 1300. 49.45 (6t) (b) of the statutes is created to read:

1 49.45 (6t) (b) If 2003 Wisconsin Act (this act), section 9124 (1) (a) applies,
2 this subsection does not apply.

3 *~~0194/9.10~~* SECTION 1301. 49.45 (6tt) of the statutes is created to read:

4 49.45 (6tt) DISTRIBUTIONS TO COUNTY DEPARTMENTS AND LOCAL HEALTH
5 DEPARTMENTS. From the appropriation under s. 20.435 (4) (w), the department may
6 in each fiscal year distribute moneys to county departments under s. 46.215, 46.22,
7 46.23, or 51.42 or to local health departments, as defined in s. 250.01 (4), in amounts
8 that are equal to the moneys received by these county departments or local health
9 departments in calendar year 2002 under s. 49.45 (6t), 2001 stats.

10 *~~1252/3.2~~* SECTION 1302. 49.45 (6u) (am) (intro.) of the statutes is amended
11 to read:

12 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), ~~in state fiscal years in~~
13 ~~which less than \$1 in federal financial participation relating to facilities is received~~
14 ~~under 42 CFR 433.51, from the appropriations under s. 20.435 (4) (o), (w), and (wm),~~
15 for reduction of operating deficits, as defined under the methodology used by the
16 department in December, 2000, incurred by a facility that is established under s.
17 49.70 (1) or that is owned and operated by a city, village, or town, and as payment
18 to care management organizations, the department may not distribute to these
19 facilities and to care management organizations more than \$37,100,000 in each
20 fiscal year, as determined by the department. The total amount that a county
21 certifies under this subsection may not exceed 100% of otherwise-unreimbursed
22 care. In distributing funds under this subsection, the department shall perform all
23 of the following:

24 *~~1252/3.3~~* SECTION 1303. 49.45 (6u) (bm) of the statutes is repealed.

25 *~~1760/2.9~~* SECTION 1304. 49.45 (6v) (b) of the statutes is amended to read:

SECTION 1304

1 49.45 (6v) (b) The department shall, each year, submit to the joint committee
2 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
3 provides information on the utilization of beds by recipients of medical assistance in
4 facilities and a discussion and detailed projection of the likely balances,
5 expenditures, encumbrances and carry over of currently appropriated amounts in
6 the appropriation accounts under s. 20.435 (4) (b) ~~and, (gp), (o), and (r).~~

 ***NOTE: This is reconciled s. 49.45 (6v) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

7 *~~1760/2.10~~* SECTION 1305. 49.45 (6x) (a) of the statutes is amended to read:

8 49.45 (6x) (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~
9 appropriation accounts under s. 20.435 (4) (b), ~~(gp), (o), (r), and (w),~~ the department
10 shall distribute not more than \$4,748,000 in each fiscal year, to provide funds to an
11 essential access city hospital, except that the department may not allocate funds to
12 an essential access city hospital to the extent that the allocation would exceed any
13 limitation under 42 USC 1396b (i) (3).

 ***NOTE: This is reconciled s. 49.45 (6x) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

14 *~~1760/2.11~~* SECTION 1306. 49.45 (6y) (a) of the statutes is amended to read:

15 49.45 (6y) (a) Notwithstanding sub. (3) (e), from the ~~appropriations~~
16 appropriation accounts under s. 20.435 (4) (b), ~~(gp), (o), (r), and (w),~~ the department
17 shall distribute funding in each fiscal year to provide supplemental payment to
18 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
19 funded by a relief block grant, as determined by the department, for hospital services
20 that are not in excess of the hospitals' customary charges for the services, as limited
21 under 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter
22 or if the allocation of funds to such hospitals would exceed any limitation under 42

1 USC 1396b (i) (3), the department may distribute funds to hospitals that have not
2 entered into a contract under s. 49.02 (2).

***NOTE: This is reconciled s. 49.45 (6y) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

3 ***-1760/2.12* SECTION 1307.** 49.45 (6y) (am) of the statutes is amended to read:
4 49.45 (6y) (am) Notwithstanding sub. (3) (e), from the ~~appropriations~~
5 appropriation accounts under s. 20.435 (4) (b), (h), (~~gp~~), (o), (~~r~~), and (w), the
6 department shall distribute funding in each fiscal year to provide supplemental
7 payments to hospitals that enter into contracts under s. 49.02 (2) with a county
8 having a population of 500,000 or more to provide health care services funded by a
9 relief block grant, as determined by the department, for hospital services that are not
10 in excess of the hospitals' customary charges for the services, as limited under 42
11 USC 1396b (i) (3).

***NOTE: This is reconciled s. 49.45 (6y) (am). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

12 ***-1760/2.13* SECTION 1308.** 49.45 (6z) (a) (intro.) of the statutes is amended
13 to read:
14 49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the ~~appropriations~~
15 appropriation accounts under s. 20.435 (4) (b), (~~gp~~), (o), (~~r~~), and (w), the department
16 shall distribute funding in each fiscal year to supplement payment for services to
17 hospitals that enter into a contract under s. 49.02 (2) to provide health care services
18 funded by a relief block grant under this chapter, if the department determines that
19 the hospitals serve a disproportionate number of low-income patients with special
20 needs. If no medical relief block grant under this chapter is awarded or if the
21 allocation of funds to such hospitals would exceed any limitation under 42 USC
22 1396b (i) (3), the department may distribute funds to hospitals that have not entered

1 into a contract under s. 49.02 (2). The department may not distribute funds under
2 this subsection to the extent that the distribution would do any of the following:

****NOTE: This is reconciled s. 49.45 (6z) (a) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

3 ***-1486/2.4* SECTION 1309.** 49.45 (6zb) of the statutes is created to read:

4 49.45 (6zb) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.
5 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
6 funding in each fiscal year to a health maintenance organization, as defined under
7 s. 609.01 (2), to supplement payment to the health maintenance organization under
8 this section. The funding shall be to assist in meeting increasing costs, more intense
9 use of services by Medical Assistance recipients, and other reimbursement needs
10 that the department identifies.

11 ***-1613/P1.1* SECTION 1310.** 49.45 (7) (a) of the statutes is amended to read:

12 49.45 (7) (a) A recipient who is a patient in a public medical institution or an
13 accommodated person and has a monthly income exceeding the payment rates
14 established under 42 USC 1382 (c) may retain \$45 \$30 unearned income or the
15 amount of any pension paid under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is
16 greater, per month for personal needs. Except as provided in s. 49.455 (4) (a), the
17 recipient shall apply income in excess of \$45 \$30 or the amount of any pension paid
18 under ~~38 USC 3203 (f)~~ 38 USC 5503 (d), whichever is greater, less any amount
19 deducted under rules promulgated by the department, toward the cost of care in the
20 facility.

21 ***-1760/2.14* SECTION 1311.** 49.45 (8) (b) of the statutes is amended to read:

22 49.45 (8) (b) Reimbursement under s. 20.435 (4) (b), (gp), (o), (r), and (w) for
23 home health services provided by a certified home health agency or independent

1 nurse shall be made at the home health agency's or nurse's usual and customary fee
2 per patient care visit, subject to a maximum allowable fee per patient care visit that
3 is established under par. (c).

****NOTE: This is reconciled s. 49.45 (8) (b). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

4 ***-1489/P2.2* SECTION 1312.** 49.45 (18) (intro.) of the statutes is renumbered
5 49.45 (18) (ac) and amended to read:

6 49.45 (18) (ac) Except as provided in pars. (a) (am) to (d), and subject to par.
7 (ag), any person eligible for medical assistance under s. 49.46, 49.468, or 49.47 shall
8 pay up to the maximum amounts allowable under 42 CFR 447.53 to 447.58 for
9 purchases of services provided under s. 49.46 (2). The service provider shall collect
10 the specified or allowable copayment, coinsurance, or deductible, unless the service
11 provider determines that the cost of collecting the copayment, coinsurance, or
12 deductible exceeds the amount to be collected. The department shall reduce
13 payments to each provider by the amount of the specified or allowable copayment,
14 coinsurance, or deductible. No provider may deny care or services because the
15 recipient is unable to share costs, but an inability to share costs specified in this
16 subsection does not relieve the recipient of liability for these costs. ~~Liability under~~
17 ~~this subsection is limited by the following provisions:~~

18 ***-1489/P2.3* SECTION 1313.** 49.45 (18) (a) of the statutes is renumbered 49.45
19 (18) (am).

20 ***-1489/P2.4* SECTION 1314.** 49.45 (18) (ag) of the statutes is created to read:

21 49.45 (18) (ag) Except as provided in pars. (am), (b), and (c), and subject to par.
22 (d), a recipient specified in par. (ac) shall pay all of the following:

1 1. A copayment of \$1 for each prescription of a drug that bears only a generic
2 name, as defined in s. 450.12 (1) (b).

3 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
4 as defined in s. 450.12 (1) (a).

5 ***-1489/P2.5* SECTION 1315.** 49.45 (18) (d) of the statutes is amended to read:

6 49.45 (18) (d) No person who designates a pharmacy or pharmacist as his or
7 her sole provider of prescription drugs and who so uses that pharmacy or pharmacist
8 is liable under this subsection for more than \$5 ~~\$12~~ per month for prescription drugs
9 received.

10 ***-0190/7.17* SECTION 1316.** 49.45 (19) (bm) of the statutes is amended to read:

11 49.45 (19) (bm) The department or the county department under s. 46.215 or
12 46.22 shall notify applicants of the requirements of this subsection at the time of
13 application.

14 ***-1760/2.15* SECTION 1317.** 49.45 (24m) (intro.) of the statutes is amended to
15 read:

16 49.45 (24m) HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM. (intro.)
17 From the ~~appropriations~~ appropriation accounts under s. 20.435 (4) (b), (gp), (o), (r),
18 and (w), in order to test the feasibility of instituting a system of reimbursement for
19 providers of home health care and personal care services for medical assistance
20 recipients that is based on competitive bidding, the department shall:

***NOTE: This is reconciled s. 49.45 (24m) (intro.). This SECTION has been affected
by drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

21 ***-0360/2.1* SECTION 1318.** 49.45 (25) (am) (intro.) of the statutes is amended
22 to read:

1 49.45 (25) (am) (intro.) Except as provided under pars. (be) ~~and~~, (bg), and (bj)
2 and sub. (24), case management services under s. 49.46 (2) (b) 9. and (bm) are
3 reimbursable under ~~medical assistance~~ Medical Assistance only if provided to a
4 ~~medical assistance~~ Medical Assistance beneficiary who receives case management
5 services from or through a certified case management provider in a county, city,
6 village, or town that elects, under par. (b), to make the services available and who
7 meets at least one of the following conditions:

8 *~~0360/2.2~~* SECTION 1319. 49.45 (25) (bj) of the statutes is created to read:

9 49.45 (25) (bj) The department of corrections may elect to provide case
10 management services under this subsection to persons who are under the
11 supervision of that department under s. 938.183, 938.34 (4h), (4m), or (4n), or
12 938.357 (4), who are Medical Assistance beneficiaries, and who meet one or more of
13 the conditions specified in par. (am). The amount of the allowable charges for those
14 services under the Medical Assistance program that is not provided by the federal
15 government shall be paid from the appropriation account under s. 20.410 (3) (hm),
16 (ho), or (hr).

17 *~~0360/2.3~~* SECTION 1320. 49.45 (25) (c) of the statutes is amended to read:

18 49.45 (25) (c) Except as provided in pars. (b), (be) ~~and~~, (bg), and (bj), the
19 department shall reimburse a provider of case management services under this
20 subsection only for the amount of the allowable charges for those services under the
21 ~~medical assistance~~ Medical Assistance program that is provided by the federal
22 government.

23 *~~0030/1.1~~* SECTION 1321. 49.45 (30e) of the statutes is repealed.

24 *~~0209/2.8~~* SECTION 1322. 49.45 (30m) of the statutes is renumbered 49.45
25 (30m) (a) (intro.) and amended to read:

1 49.45 (30m) (a) (intro.) A county shall provide the portion of the payment that
2 is not provided by the federal government for all of the following services under s.
3 51.06 (1m) (d) to individuals with developmental disability who are eligible for
4 medical assistance ~~that is not provided by the federal government.:~~

5 *~~0209/2.9~~* SECTION 1323. 49.45 (30m) (a) 1. of the statutes is created to read:

6 49.45 (30m) (a) 1. Services under s. 51.06 (1m) (d).

7 *~~0209/2.10~~* SECTION 1324. 49.45 (30m) (a) 2. of the statutes is created to read:

8 49.45 (30m) (a) 2. Services in an intermediate care facility for the mentally
9 retarded, as defined in s. 46.278 (1m) (am), other than a state center for the
10 developmentally disabled.

11 *~~0209/2.11~~* SECTION 1325. 49.45 (30m) (a) 3. of the statutes is created to read:

12 49.45 (30m) (a) 3. Services for which payment is permitted under sub. (6c) (d)
13 2. that are provided in a nursing facility, as defined in s. 46.279 (1) (c).

14 *~~0209/2.12~~* SECTION 1326. 49.45 (30m) (b) of the statutes is created to read:

15 49.45 (30m) (b) No payment under this section may be made for services
16 specified under par. (a) unless the individual who receives the services is protectively
17 placed under s. 55.06 (9) (a) or is placed under an emergency placement under s.
18 55.06 (11) (a) or a temporary placement under s. 55.06 (11) (c).

19 *~~0209/2.13~~* SECTION 1327. 49.45 (30m) (c) of the statutes is created to read:

20 49.45 (30m) (c) No payment under this section may be made for services
21 specified under par. (a) 2. or 3. that are provided to an individual who was placed in
22 or admitted to an intermediate facility, as defined in s. 46.279 (1) (b), or nursing
23 facility, as defined in s. 46.279 (1) (c), unless one of the following applies:

24 1. Any placement or admission that is made after March 31, 2004, complied
25 with the requirements of s. 46.279.

1 2. For an individual who was protectively placed under ch. 55 at any time, any
2 annual review that is conducted under s. 55.06 (10) (a) 1. after March 31, 2004,
3 complies with the requirements of s. 55.06 (10) (a) 2.

4 *~~0190/7.18~~* SECTION 1328. 49.45 (36) of the statutes is amended to read:

5 49.45 (36) HOMELESS BENEFICIARIES. ~~A~~ The department or a county department
6 under s. 46.215, 46.22, or 46.23 may not place the word “homeless” on the medical
7 assistance identification card of any person who is determined to be eligible for
8 medical assistance benefits and who is homeless.

9 *~~0194/9.11~~* SECTION 1329. 49.45 (39) (b) 1. of the statutes is amended to read:

10 49.45 (39) (b) 1. ‘Payment for school medical services.’ If a school district or a
11 cooperative educational service agency elects to provide school medical services and
12 meets all requirements under par. (c), the department shall reimburse the school
13 district or the cooperative educational service agency for 60% of the federal share of
14 allowable charges for the school medical services that it provides and, as specified
15 in subd. 2., for allowable administrative costs. If the Wisconsin Center for the Blind
16 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
17 and Hard of Hearing elects to provide school medical services and meets all
18 requirements under par. (c), the department shall reimburse the department of
19 public instruction for 60% of the federal share of allowable charges for the school
20 medical services that the Wisconsin Center for the Blind and Visually Impaired or
21 the Wisconsin Educational Services Program for the Deaf and Hard of Hearing
22 provides and, as specified in subd. 2., for allowable administrative costs. A school
23 district, cooperative educational service agency, the Wisconsin Center for the Blind
24 and Visually Impaired or the Wisconsin Educational Services Program for the Deaf
25 and Hard of Hearing may submit, and the department shall allow, claims for common

1 carrier transportation costs as a school medical service unless the department
2 receives notice from the federal health care financing administration that, under a
3 change in federal policy, the claims are not allowed. If the department receives the
4 notice, a school district, cooperative educational service agency, the Wisconsin
5 Center for the Blind and Visually Impaired, or the Wisconsin Educational Services
6 Program for the Deaf and Hard of Hearing may submit, and the department shall
7 allow, unreimbursed claims for common carrier transportation costs incurred before
8 the date of the change in federal policy. The department shall promulgate rules
9 establishing a methodology for making reimbursements under this paragraph. All
10 Except as provided in subd. 1m., all other expenses for the school medical services
11 provided by a school district or a cooperative educational service agency shall be paid
12 for by the school district or the cooperative educational service agency with funds
13 received from state or local taxes. The school district, the Wisconsin Center for the
14 Blind and Visually Impaired, the Wisconsin Educational Services Program for the
15 Deaf and Hard of Hearing, or the cooperative educational service agency shall
16 comply with all requirements of the federal department of health and human
17 services for receiving federal financial participation.

18 *~~0194/9.12~~* SECTION 1330. 49.45 (39) (b) 1m. of the statutes is created to read:

19 49.45 (39) (b) 1m. ‘Supplementary payment for school medical services.’ In
20 addition to the reimbursement the department provides under subd. 1. to a school
21 district or cooperative educational service agency for school medical services, the
22 department may make supplementary payments from the appropriation accounts
23 under s. 20.435 (4) (b) and (o). The total of the supplementary payments and
24 allowable charges paid under subd. 1. may not exceed applicable limitations on
25 payments under 42 USC 1396a (a) (30) (A).

1 ***-0194/9.13*** SECTION 1331. 49.45 (39) (b) 2. of the statutes is amended to read:
2 49.45 (39) (b) 2. 'Payment for school medical services administrative costs.' The
3 department shall reimburse a school district or a cooperative educational service
4 agency specified under ~~subd. 1.~~ subds. 1. and 1m. and shall reimburse the
5 department of public instruction on behalf of the Wisconsin Center for the Blind and
6 Visually Impaired or the Wisconsin Educational Services Program for the Deaf and
7 Hard of Hearing for 90% of the federal share of allowable administrative costs, using
8 time studies, beginning in fiscal year 1999–2000. A school district or a cooperative
9 educational service agency may submit, and the department of health and family
10 services shall allow, claims for administrative costs incurred during the period that
11 is up to 24 months before the date of the claim, if allowable under federal law.

12 ***-1762/P2.1*** SECTION 1332. 49.45 (49m) of the statutes is created to read:
13 49.45 (49m) PRESCRIPTION DRUG COST CONTROLS; PURCHASING AGREEMENTS. (a)

14 In this section:

- 15 1. "Brand name" has the meaning given in s. 450.12 (1) (a).
- 16 2. "Generic name" has the meaning given in s. 450.12 (1) (b).
- 17 3. "Prescription drug" has the meaning given in s. 450.01 (20).

18 (b) The department may enter into a multi-state purchasing agreement with
19 another state or a purchasing agreement with a purchaser of prescription drugs if
20 the other state or purchaser agrees to participate in one or more of the activities
21 specified in par. (c) 1. to 5.

22 (c) The department may design and implement a program to reduce the cost
23 of prescription drugs and to maintain high quality in prescription drug therapies,
24 which shall include all of the following:

SECTION 1332

1 1. A list of the prescription drugs that are included as a benefit under s. 49.46
2 (2) (b) 6. h. that identifies preferred choices within therapeutic classes and includes
3 prescription drugs that bear only generic names.

4 2. Establishing supplemental rebates under agreements with prescription
5 drug manufacturers for prescription drugs provided to recipients under Medical
6 Assistance and Badger Care and to eligible persons under s. 49.688 and, if it is
7 possible to implement the program without adversely affecting supplemental
8 rebates for Medical Assistance, Badger Care, and prescription drug assistance under
9 s. 49.688, to beneficiaries of participants under par. (b).

10 3. Utilization management and fraud and abuse controls.

11 4. Any other activity to reduce the cost of or expenditures for prescription drugs
12 and maintain high quality in prescription drug therapies.

13 (d) The department may enter into a contract with an entity to perform any of
14 the duties and exercise any of the powers of the department under this subsection.

15 ***-0781/P3.1* SECTION 1333.** 49.453 (1) (ak) of the statutes is created to read:

16 49.453 (1) (ak) “Consumer price index” has the meaning given in s. 49.455 (1)

17 (b).

18 ***-0781/P3.2* SECTION 1334.** 49.453 (5) of the statutes is amended to read:

19 49.453 (5) CARE OR PERSONAL SERVICES. For the purposes of sub. (2), whenever
20 a covered individual or his or her spouse, or another person acting on behalf of the
21 covered individual or his or her spouse, transfers assets to a relative as payment for
22 care or personal services that the relative provides to the covered individual, the
23 covered individual or his or her spouse transfers assets for less than fair market
24 value unless the care or services directly benefit the covered individual, the amount
25 of the payment does not exceed reasonable compensation for the care or services that

1 the relative performs and, if the amount of the payment in any year exceeds 10% of
2 ~~the community spouse resource allowance limit specified in s. 49.455 (6) (b) 1.~~
3 \$12,000 increased by the same percentage increase as the percentage increase in the
4 consumer price index between September 1988 and September of the year before the
5 calendar year in which the care or services for which the payment was made were
6 performed, the agreement to pay the relative is specified in a notarized written
7 agreement that exists at the time that the relative performs the care or services.

8 *~~0781/P3.3~~* SECTION 1335. 49.455 (5) (b) of the statutes is amended to read:

9 49.455 (5) (b) Notwithstanding ch. 766, in determining the resources of an
10 institutionalized spouse at the time of application for medical assistance, the amount
11 of resources considered to be available to the institutionalized spouse equals the
12 value of all of the resources held by either or both spouses minus the greatest of the
13 amounts determined under sub. (6) (b) ~~1.~~ 1m. to 4.

14 *~~0781/P3.4~~* SECTION 1336. 49.455 (6) (a) of the statutes is amended to read:

15 49.455 (6) (a) Notwithstanding s. 49.453 (2), an institutionalized spouse may
16 transfer an amount of resources ~~equal to~~ not exceeding the community spouse
17 resource allowance determined under par. (b) to, or for the sole benefit of, the
18 community spouse without becoming ineligible for medical assistance for the period
19 of ineligibility under s. 49.453 (3) as a result of the transfer. The institutionalized
20 spouse shall make the transfer as soon as practicable after the initial determination
21 of eligibility for medical assistance, taking into account the amount of time that is
22 necessary to obtain a court order under par. (c).

23 *~~0781/P3.5~~* SECTION 1337. 49.455 (6) (b) (intro.) of the statutes is amended

24 to read:

1 49.455 (6) (b) (intro.) The community spouse resource allowance equals the
2 ~~amount by which the amount of resources otherwise available to the community~~
3 ~~spouse is exceeded by the greatest of the following:~~

4 *-0781/P3.6* SECTION 1338. 49.455 (6) (b) 1. of the statutes is repealed.

5 *-0781/P3.7* SECTION 1339. 49.455 (6) (b) 2. of the statutes is repealed.

6 *-0209/2.14* SECTION 1340. 49.46 (2) (a) 4. c. of the statutes is amended to
7 read:

8 49.46 (2) (a) 4. c. Skilled nursing home services other than in an institution for
9 mental diseases, except as limited under s. 49.45 (6c) and (30m) (b) and (c).

10 *-0209/2.15* SECTION 1341. 49.46 (2) (b) 6. a. of the statutes is amended to
11 read:

12 49.46 (2) (b) 6. a. Intermediate care facility services other than in an institution
13 for mental diseases, except as limited under s. 49.45 (30m) (b) and (c).

14 *-0030/1.2* SECTION 1342. 49.46 (2) (b) 6. Lm. of the statutes is repealed.

15 *-1760/2.16* SECTION 1343. 49.472 (6) (a) of the statutes is amended to read:

16 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
17 under s. 20.435 (4) (b), (gp), (r), or (w), the department shall, on the part of an
18 individual who is eligible for medical assistance under sub. (3), pay premiums for or
19 purchase individual coverage offered by the individual's employer if the department
20 determines that paying the premiums for or purchasing the coverage will not be more
21 costly than providing medical assistance.

***NOTE: This is reconciled s. 49.472 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

22 *-1760/2.17* SECTION 1344. 49.472 (6) (b) of the statutes is amended to read:

1 49.472 (6) (b) If federal financial participation is available, from the
2 appropriation account under s. 20.435 (4) (b), (gp), (r), or (w), the department may
3 pay medicare Part A and Part B premiums for individuals who are eligible for
4 medicare and for medical assistance under sub. (3).

 ***NOTE: This is reconciled s. 49.472 (6) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

5 ***-0033/P2.1*** SECTION 1345. 49.473 (title) of the statutes is amended to read:
6 **49.473 (title) Medical assistance; women diagnosed with breast or**
7 **cervical cancer or precancerous conditions.**

8 ***-0033/P2.2*** SECTION 1346. 49.473 (2) (c) of the statutes is amended to read:
9 49.473 (2) (c) The woman is not eligible for health care coverage that qualifies
10 as creditable coverage in 42 USC 300gg (c), excluding the coverage specified in 42
11 USC 300gg (c) (1) (F).

12 ***-0033/P2.3*** SECTION 1347. 49.473 (2) (e) of the statutes is amended to read:
13 49.473 (2) (e) The woman requires treatment for breast or cervical cancer or
14 for a precancerous condition of the breast or cervix.

15 ***-1760/2.18*** SECTION 1348. 49.473 (5) of the statutes is amended to read:
16 49.473 (5) The department shall audit and pay, from the appropriation
17 accounts under s. 20.435 (4) (b), (gp), and (o), and (r), allowable charges to a provider
18 who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman
19 who meets the requirements under sub. (2) for all benefits and services specified
20 under s. 49.46 (2).

 ***NOTE: This is reconciled s. 49.473 (5). This SECTION has been affected by drafts
with the following LRB numbers: LRB-1755/P2 and LRB-1760/1.

21 ***-0033/P2.4*** SECTION 1349. 49.473 (6) (b) of the statutes is amended to read:

1 49.473 (6) (b) Inform the woman at the ~~of~~ time of the determination that she
2 is required to apply to the department or a county department for medical assistance
3 no later than the last day of the month following the month in which the qualified
4 entity determines that the woman is eligible for medical assistance.

5 *~~1824/6.15~~* SECTION 1350. 49.496 (3) (f) of the statutes is amended to read:

6 49.496 (3) (f) The department, with the advice and consent of the attorney
7 general, may ~~contract with or employ~~ retain an attorney to probate estates to recover
8 under this subsection the costs of care.

9 *~~0190/7.19~~* SECTION 1351. 49.496 (4) of the statutes is amended to read:

10 49.496 (4) ADMINISTRATION. The department may require a county department
11 under s. 46.215, 46.22, or 46.23 or the governing body of a federally recognized
12 American Indian tribe administering medical assistance to gather and provide the
13 department with information needed to recover medical assistance under this
14 section. The department shall pay to a county department or tribal governing body
15 an amount equal to 5% of the recovery collected by the department relating to a
16 beneficiary for whom the county department or tribal governing body made the last
17 determination of medical assistance eligibility. A county department or tribal
18 governing body may use funds received under this subsection only to pay costs
19 incurred under this subsection and, if any amount remains, to pay for improvements
20 to functions required under s. ~~49.33~~ 49.78 (2). The department may withhold
21 payments under this subsection for failure to comply with the department's
22 requirements under this subsection. The department shall treat payments made
23 under this subsection as costs of administration of the ~~medical assistance~~ Medical
24 Assistance program.

25 *~~0529/4.101~~* SECTION 1352. 49.498 (16) (g) of the statutes is amended to read:

1 49.498 (16) (g) All forfeitures, penalty assessments, and interest, if any, shall
2 be paid to the department within 10 days of receipt of notice of assessment or, if the
3 forfeiture, penalty assessment, and interest, if any, are contested under par. (f),
4 within 10 days of receipt of the final decision after exhaustion of administrative
5 review, unless the final decision is appealed and the order is stayed by court order
6 under sub. (19) (b). The department shall remit all forfeitures paid to the state
7 ~~treasurer~~ secretary of administration for deposit in the school fund. The department
8 shall deposit all penalty assessments and interest in the appropriation under s.
9 20.435 (6) (g).

10 ***-0029/2.1*** SECTION 1353. 49.665 (2) (title) of the statutes is amended to read:

11 49.665 (2) (title) ~~WAIVER~~ WAIVERS.

12 ***-0029/2.2*** SECTION 1354. 49.665 (2) of the statutes is renumbered 49.665 (2)

13 (a) and amended to read:

14 49.665 (2) (a) The department of health and family services shall request a
15 waiver from the secretary of the federal department of health and human services
16 to permit the department of health and family services to implement, beginning not
17 later than July 1, 1998, or the effective date of the waiver, whichever is later, a health
18 care program under this section. If a waiver that is consistent with all of the
19 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect, the
20 department of health and family services shall implement the program under this
21 section. The department of health and family services may not implement the
22 program under this section unless a waiver that is consistent with all of the
23 provisions of this section, excluding sub. (4) (a) 3m., is granted and in effect.

24 ***-0029/2.3*** SECTION 1355. 49.665 (2) (b) of the statutes is created to read:

1 49.665 (2) (b) If the department of health and family services determines that
2 it needs a waiver to require the verification specified in sub. (4) (a) 3m., the
3 department shall request a waiver from the secretary of the federal department of
4 health and human services and may not implement the verification requirement
5 under sub. (4) (a) 3m. unless the waiver is granted. If a waiver is required and is
6 granted, the department of health and family services may implement the
7 verification requirement under sub. (4) (a) 3m. as appropriate. If a waiver is not
8 required, the department of health and family services may require the verification
9 specified in sub. (4) (a) 3m. for eligibility determinations and annual review
10 eligibility determinations made by the department, beginning on January 1, 2004.

11 *~~0029/2.4~~* SECTION 1356. 49.665 (4) (am) 3m. of the statutes is created to
12 read:

13 49.665 (4) (am) 3m. Each member of the child's household who is employed
14 provides verification from his or her employer, in the manner specified by the
15 department, of his or her earnings, of whether the employer provides health care
16 coverage for which the child is eligible, and of the amount that the employer pays,
17 if any, towards the cost of the health care coverage, excluding any deductibles or
18 copayments required under the coverage.

19 *~~1486/2.5~~* SECTION 1357. 49.665 (4m) of the statutes is created to read:

20 49.665 (4m) SUPPLEMENTAL PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS.
21 From the appropriation under s. 20.435 (4) (wr), the department shall distribute
22 funding in each fiscal year to a health maintenance organization, as defined under
23 s. 609.01 (2), to supplement payment to the health maintenance organization under
24 this section. The funding shall be to assist in meeting increasing costs, more intense

1 use of services by Badger Care recipients, and other reimbursement needs that the
2 department identifies.

3 ***-1489/P2.6* SECTION 1358.** 49.665 (5) (a) of the statutes is renumbered
4 49.665 (5) (ag) and amended to read:

5 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
6 who does not reside with his or her parent, who receives health care coverage under
7 this section shall pay a percentage of the cost of that coverage in accordance with a
8 schedule established by the department by rule. If the schedule established by the
9 department requires a family, or child who does not reside with his or her parent, to
10 contribute more than 3% of the family's or child's income towards the cost of the
11 health care coverage provided under this section, the department shall submit the
12 schedule to the joint committee on finance for review and approval of the schedule.
13 If the cochairpersons of the joint committee on finance do not notify the department
14 within 14 working days after the date of the department's submittal of the schedule
15 that the committee has scheduled a meeting to review the schedule, the department
16 may implement the schedule. If, within 14 days after the date of the department's
17 submittal of the schedule, the cochairpersons of the committee notify the department
18 that the committee has scheduled a meeting to review the schedule, the department
19 may not require a family, or child who does not reside with his or her parent, to
20 contribute more than 3% of the family's or child's income unless the joint committee
21 on finance approves the schedule. The joint committee on finance may not approve
22 and the department may not implement a schedule that requires a family or child
23 to contribute, including the amounts required under par. (am), more than 3.5% of the
24 family's or child's income towards the cost of the health care coverage provided under
25 this section.

1 *~~1489/P2.7~~* SECTION 1359. 49.665 (5) (ac) of the statutes is created to read:

2 49.665 (5) (ac) In this subsection, “cost” means total cost-sharing charges,
3 including premiums, copayments, coinsurance, deductibles, enrollment fees, and
4 any other cost-sharing charges.

5 *~~1489/P2.8~~* SECTION 1360. 49.665 (5) (ag) of the statutes, as affected by 2003
6 Wisconsin Act ... (this act), is amended to read:

7 49.665 (5) (ag) Except as provided in pars. (am), (b), and (bm), a family, or child
8 who does not reside with his or her parent, who receives health care coverage under
9 this section shall pay a percentage of the cost of that coverage in accordance with a
10 schedule established by the department by rule. ~~If the schedule established by the~~
11 ~~department requires a family, or child who does not reside with his or her parent, to~~
12 ~~contribute more than 3% of the family’s or child’s income towards the cost of the~~
13 ~~health care coverage provided under this section, the department shall submit the~~
14 ~~schedule to the joint committee on finance for review and approval of the schedule.~~
15 ~~If the cochairpersons of the joint committee on finance do not notify the department~~
16 ~~within 14 working days after the date of the department’s submittal of the schedule~~
17 ~~that the committee has scheduled a meeting to review the schedule, the department~~
18 ~~may implement the schedule. If, within 14 days after the date of the department’s~~
19 ~~submittal of the schedule, the cochairpersons of the committee notify the department~~
20 ~~that the committee has scheduled a meeting to review the schedule, the department~~
21 ~~may not require a family, or child who does not reside with his or her parent, to~~
22 ~~contribute more than 3% of the family’s or child’s income unless the joint committee~~
23 ~~on finance approves the schedule. The joint committee on finance may not approve~~
24 ~~and the~~ The department may not establish or implement a schedule that requires a
25 family or child to contribute, including the amounts required under par. (am), more

1 than ~~3.5%~~ 5% of the family's or child's income towards the cost of the health care
2 coverage provided under this section.

3 ***-1489/P2.9* SECTION 1361.** 49.665 (5) (am) of the statutes is created to read:

4 49.665 (5) (am) Except as provided in pars. (b) and (bm), a child or family
5 member who receives health care coverage under this section shall pay the following
6 cost-sharing amounts:

7 1. A copayment of \$1 for each prescription of a drug that bears only a generic
8 name, as defined in s. 450.12 (1) (b).

9 2. A copayment of \$3 for each prescription of a drug that bears a brand name,
10 as defined in s. 450.12 (1) (a).

11 ***-0032/P2.1* SECTION 1362.** 49.68 (3) (a) of the statutes is amended to read:

12 49.68 (3) (a) ~~Any~~ Subject to s. 49.687 (1m), any permanent resident of this state
13 who suffers from chronic renal disease may be accepted into the dialysis treatment
14 phase of the renal disease control program if the resident meets standards set by rule
15 under sub. (2) and s. 49.687.

16 ***-0032/P2.2* SECTION 1363.** 49.68 (3) (d) 1. of the statutes is amended to read:

17 49.68 (3) (d) 1. No aid may be granted under this subsection unless the recipient
18 has no other form of aid available from the federal medicare program ~~or~~, from private
19 health, accident, sickness, medical, and hospital insurance coverage, or from other
20 health care coverage specified by rule under s. 49.687 (1m) (b). If insufficient aid is
21 available from other sources and if the recipient has paid an amount equal to the
22 annual medicare deductible amount specified in subd. 2., the state shall pay the
23 difference in cost to a qualified recipient. If at any time sufficient federal or private
24 insurance aid or other health care coverage becomes available during the treatment
25 period, state aid under this subsection shall be terminated or appropriately reduced.

SECTION 1363

1 Any patient who is eligible for the federal medicare program shall register and pay
2 the premium for medicare medical insurance coverage where permitted, and shall
3 pay an amount equal to the annual medicare deductible amounts required under 42
4 USC 1395e and 1395L (b), prior to becoming eligible for state aid under this
5 subsection.

6 ***-0032/P2.3* SECTION 1364.** 49.68 (3) (d) 3. of the statutes is created to read:

7 49.68 (3) (d) 3. No payment shall be made under this subsection for any portion
8 of medical treatment costs or other expenses that are payable under any state,
9 federal, or other health care coverage program, including a health care coverage
10 program specified by rule under s. 49.687 (1m) (b), or under any grant, contract, or
11 other contractual arrangement.

12 ***-0032/P2.4* SECTION 1365.** 49.68 (3) (e) of the statutes is amended to read:

13 49.68 (3) (e) State aids for services provided under this section shall be equal
14 ~~to~~ may not exceed the allowable charges under the federal medicare program. In no
15 case shall state rates for individual service elements exceed the federally defined
16 allowable costs. The rate of charges for services not covered by public and private
17 insurance shall not exceed the reasonable charges as established by medicare fee
18 determination procedures. A person that provides to a patient a service for which
19 aid is provided under this section shall accept the amount paid under this section for
20 the service as payment in full and may not bill the patient for any amount by which
21 the charge for the service exceeds the amount paid for the service under this section.

22 The state may not pay for the cost of travel, lodging, or meals for persons who must
23 travel to receive inpatient and outpatient dialysis treatment for kidney disease. This
24 paragraph shall not apply to donor related costs as defined in par. (b).

25 ***-1824/6.16* SECTION 1366.** 49.682 (6) of the statutes is amended to read:

1 49.682 (6) The department, with the advice and consent of the attorney
2 general, may ~~contract with or employ~~ retain an attorney to probate estates to recover
3 under this section the costs of care.

4 ***-0032/P2.5*** SECTION 1367. 49.683 (1) of the statutes is amended to read:

5 49.683 (1) ~~The~~ Subject to s. 49.687 (1m), the department may provide financial
6 assistance for costs of medical care of persons over the age of 18 years with the
7 diagnosis of cystic fibrosis who meet financial requirements established by the
8 department by rule under s. 49.687 (1).

9 ***-0032/P2.6*** SECTION 1368. 49.683 (3) of the statutes is created to read:

10 49.683 (3) No payment shall be made under this section for any portion of
11 medical care costs that are payable under any state, federal, or other health care
12 coverage program, including a health care coverage program specified by rule under
13 s. 49.687 (1m) (b), or under any grant, contract, or other contractual arrangement.

14 ***-0032/P2.7*** SECTION 1369. 49.685 (6) (b) of the statutes is amended to read:

15 49.685 (6) (b) Reimbursement shall not be made under this section for any
16 blood products or supplies ~~which~~ that are not purchased from or provided by a
17 comprehensive hemophilia treatment center, or a source approved by the treatment
18 center. Reimbursement shall not be made under this section for any portion of the
19 costs of blood products or supplies ~~which~~ that are payable under any other state or,
20 federal program, or other health care coverage program, including a health care
21 coverage program specified by rule under s. 49.687 (1m) (b), or under any grant,
22 contract ~~and any, or~~ other contractual arrangement.

23 ***-0032/P2.8*** SECTION 1370. 49.687 (title) of the statutes is amended to read:

24 49.687 (title) **Disease aids; patient requirements; rebate agreements;**
25 **cost containment.**

1 ***-1303/P1.1*** SECTION 1371. 49.687 (1) of the statutes is amended to read:

2 49.687 (1) The department shall promulgate rules that require a person who
3 is eligible for benefits under s. 49.68, 49.683, or 49.685 and whose current estimated
4 total family income exceeds specified limits for the current year is at or above 200%
5 of the poverty line to obligate or expend specified portions of the income for medical
6 care for treatment of kidney disease, cystic fibrosis, or hemophilia before receiving
7 benefits under s. 49.68, 49.683, or 49.685. The rules shall require a person to pay 1%
8 of his or her total family income for the cost of medical treatment covered under s.
9 49.68, 49.683, or 49.685 if that income is from 300% to 325% of the federal poverty
10 line, 1.75% if that income is more than 325% but not more than 350% of the federal
11 poverty line, 2.5% if that income is more than 350% but not more than 375% of the
12 federal poverty line, 3.25% if that income is more than 375% but not more than 400%
13 of the federal poverty line, and 4.25% if that income is more than 400% of the federal
14 poverty line.

15 ***-0032/P2.9*** SECTION 1372. 49.687 (1m) of the statutes is created to read:

16 49.687 (1m) (a) A person is not eligible to receive benefits under s. 49.68,
17 49.683, or 49.685 unless, before the person applies for benefits under s. 49.68, 49.683,
18 or 49.685, the person first applies for benefits under all other health care coverage
19 programs specified by the department by rule under par. (b) for which the person
20 reasonably may be eligible.

21 (b) The department shall promulgate rules that specify other health care
22 coverage programs for which a person must apply before applying for benefits under
23 s. 49.68, 49.683, or 49.685. The programs specified by rule must include the Medical
24 Assistance program under subch. IV, the Badger Care health care program under s.