

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/28/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8017**

By/Representing: **Carabell**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Carabell -

Topic:

Intensive, in-home services for autistic children

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1	dkennedy 06/03/2003	jdyer 06/03/2003	rschluet 06/04/2003	_____	sbasford 06/04/2003		
		jdyer 06/04/2003		_____			
/2	dkennedy	jdyer	jfrantze	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/09/2003	06/09/2003 jdye 06/09/2003	06/09/2003	_____ _____ _____	06/09/2003		
/3	dkennedy 06/09/2003	csicilia 06/09/2003	pgreensl 06/09/2003	_____ _____	lemery 06/09/2003		

FE Sent For:

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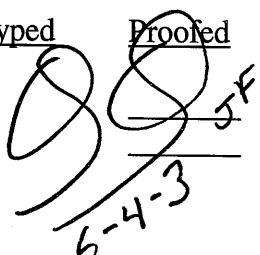
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FE Sent For:

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\$47,222,900 (\$13,873,000 GPR, -\$23,630,600 FED, and -\$37,465,300 SEG) in 2003-04 and by \$58,514,800 (\$8,276,500 GPR, -\$27,078,100 FED, and -\$39,713,200 SEG) in 2004-05 and decrease estimated revenue to the MA trust fund by \$37,465,300 in 2003-04 and \$39,713,200 in 2004-05 to reflect the funding changes that would result by deleting this provision.

RC

k. *Paper #387 (SeniorCare Enrollment Fee):* (Alternative 2a). Establish the SeniorCare enrollment fee at \$30 and modify funding in the bill by -\$17,400 GPR, -\$57,100 FED, and \$74,500 PR in 2003-04 and \$26,800 GPR, \$13,100 FED, and -\$39,900 PR in 2004-05. Additionally, specify that the modification in the enrollment fee would occur for enrollees with benefit periods beginning September 1, 2003, or the first day of the first month following the bill's general effective date, whichever is later;

RC

l. *Paper #388 (SeniorCare Benefits):* (Alternatives 2 and 4). Modify the Governor's recommendations by specifying that the deductible for SeniorCare enrollees with income above 200% of the FPL would be \$850 annually and increase the copayment for brand name drugs to \$20 for all enrollees and specify that these changes would be effective for benefit periods beginning September 1, 2003, or the first day of the first month following the bill's general effective date, whichever is later. Reduce funding in the bill by \$10,008,300 (-\$4,630,300 GPR, -\$7,874,000 FED, and \$2,496,000 PR) in 2003-04 and by \$14,055,100 (-\$7,224,700 GPR, -\$10,999,100 FED and \$4,168,700 PR) in 2004-05;

RLP

RC

m. *Paper #389 (Prescription Drug Reimbursement Rates):* (Alternative 4b): Provide \$23,453,000 (\$10,281,600 GPR, \$11,722,800 FED, and \$1,448,600 PR) in 2003-04 and \$27,608,500 (\$12,219,000 GPR, \$13,465,400 FED, and \$1,924,100 PR) in 2004-05 to reflect the costs associated with providing a maximum reimbursement rate for brand name and non-readily available prescription drugs under MA, BadgerCare and SeniorCare at the average wholesale price -12%, effective August 1, 2003, and to delete the Governor's provision to eliminate the 5% enhanced payment for drugs purchased under SeniorCare.

RC

n. *Paper #390 (MA Payment for Graduate Medical Education):* (Alternative 3). Modify the Governor's recommendations by increasing funding by \$9,700,000 (\$4,033,700 GPR and \$5,666,300 FED) in 2003-04 and \$9,700,000 (\$4,037,900 GPR and \$5,662,100 FED) in 2004-05 to restore funding for MA payments for direct GME costs only.

RC

o. *Paper #391 (Medicare Crossover Claims for Outpatient Hospital Services):* (Alternative 1). Reduce funding by \$3,779,900 (-\$1,589,800 GPR and -\$2,190,100 FED) in 2003-04 and by \$4,164,900 (-\$1,740,300 GPR and -\$2,424,600 FED) in 2004-05 to reflect reestimates of the projected cost savings of the Governor's proposal.

RC

p. *Paper #392 (Intensive, In-Home Services for Autistic Children):* (Alternative 2). Adopt the Governor's revised recommendations to create an intensive, in-home autism benefit under a community-based waiver program. Provide \$21,014,100 (\$8,612,400 GPR and \$12,401,700 FED) in 2003-04 and \$21,432,900 (\$8,730,000 GPR and \$12,702,900 FED) in 2004-05 to fund the revised proposal and 0.19 GPR position and 0.25 FED position, beginning in 2003-04. Authorize DHFS to seek a waiver that would include intensive, in-home autism services as a

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benefit for children with developmental disabilities or serious emotional disturbances and create a PR appropriation for revenue received from any cost-sharing paid by parents whose children receive publicly-funded waiver services, as required by DHFS.

q. Paper #393 (Mandatory Enrollment in Managed Care Plans for MA Recipients who Receive SSI). Modify the Governor's recommendations to decrease funding by \$6,002,800 (-\$2,496,000 GPR and -\$3,506,800 FED) in 2003-04 and increase funding by \$9,842,500 (\$4,093,500 GPR and \$5,749,000 FED) in 2004-05, to reflect the administration's revised estimates of the projected cost savings of this item. In addition, require DHFS to: (a) work with advocacy groups and managed care organizations in determining the types of services that SSI recipients, particularly those with mental health and substance abuse issues, require, and determining the capitation rates that would be provided under managed care contracts to ensure that those services are available to this population; and (b) submit the proposed managed care contracts to the appropriate standing committees for review before these contracts are offered to managed care organizations.

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r. Paper #394 (BadgerCare Premiums): (Alternative 1). Approve the Governor's recommendations to increase the BadgerCare premiums to five percent of a family's monthly income but reduce funding in the bill by -\$1,659,500 (-\$512,400 GPR, -\$1,281,900 FED, and \$134,800 PR) in 2003-04 and by \$2,206,000 (-\$813,300 GPR, and -\$2,040,200 FED, and \$647,500 PR) in 2004-05 and increase PR-REV by \$134,800 in 2003-04 and \$647,500 in 2004-05 to reflect a reestimate of the alternative.

RC

s. Paper #395 (WisconCare and Hospital Assessments): (Modification) Modify the Governor's recommendations by: (a) increasing MA benefits funding by \$1,053,500 FED in 2003-04 and by \$1,053,300 FED in 2004-05 to reflect that federal funding claimed under MA would not change by substituting one state source (GPR) with another (PR); and (b) authorize DHFS to pay outstanding claims related to the WisconCare program from the MA benefits appropriation in 2003-04.

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t. Paper #396 (Irrevocable Burial Trusts): (Alternative 5). Delete the Governor's provision. Consequently, on July 1, 2003, the irrevocable burial trust limit would increase to \$3,000, as provided under current law. Increase funding by \$764,600 (\$318,000 GPR and \$446,600 FED) in 2004-05.

JLS

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u. Paper #397 (Personal Needs Allowance). (Alternative 3). Delete the Governor's provision. Consequently, the personal needs allowance would remain at \$45 per month. Increase funding by \$4,117,800 (\$1,712,400 GPR and \$2,405,400 FED) in 2003-04 and by \$4,117,300 (\$1,712,400 GPR and \$2,404,900 FED) in 2004-05.

JLS

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PJK

Other Items Addressed in SB 44

w. Prescription Drug Benefits (LFB Summary -- p. 212, #3): Modify the Governor's provision as follows:

Kennedy, Debora

From: Carabell, Rachel
Sent: Thursday, May 29, 2003 11:21 AM
To: Kennedy, Debora
Subject: autism draft

Hi Debora,

I am not sure who is working on the draft related to autism services, but I wanted to give you a heads up that the PR appropriation that is created for parental cost sharing should be put in Program 7. Call with any questions. Thanks much!

Rachel Carabell
Legislative Fiscal Bureau
rachel.carabell@legis.state.wi.us
Phone: 608-266-3847

Kennedy, Debora

From: Carabell, Rachel
Sent: Friday, May 30, 2003 4:48 PM
To: Kennedy, Debora
Subject: FW: Revised Autism stat language



MA autism wr legn
final +++_1...



MA autism wr legn
final +++ e...

Rachel Carabell
Legislative Fiscal Bureau
rachel.carabell@legis.state.wi.us
Phone: 608-266-3847

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

From: Forsaith, Andrew
Sent: Tuesday, May 20, 2003 5:21 PM
To: Carabell, Rachel; Onsager, Yvonne
Cc: Handrich, Peggy; Moody, Mark; Pifer, Marjorie; Vavra, James; White, Alan; Groves, Morgan; Wroblewski, Beth; Bove, Fredi-Ellen; Cunningham, Curtis; Frye, Judith; Gebhart, Neil; Megna, Richard; Radloff, Gary; Warner, Erin; Welsh, Diane
Subject: Revised Autism stat language

Attached is the Department's revised, final stat language for the autism proposal. The cost share language has been modified to clarify the department's proposal.

Under the attached draft, a cost share would be imposed for all services to children that are reimbursable under COP-W, CIP 1B, the new kids waiver, or CIP 1A, if those services are publicly funded.

AUTISM WAIVER BUDGET DRAFT

SECTION 1. 20.435 (6) (gc) of the Statutes is created to read:

20.435 (6) (gc) As a continuing appropriation, all moneys transferred from (7) (h) for the collection of moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed pursuant to a waiver under s. 46.27 (11), 46.273, 46.275 or 46.278.

From Rachel:
Do not include

SECTION 2. 20.435 (7) (h) of the Statutes is created to read:

20.435 (7) (h) As a continuing appropriation, all moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed pursuant to a waiver under s. 46.27 (11), 46.273, 46.275 or 46.278, to be distributed to counties according to a formula developed by the department to use as the state share of payments for services for children under the waivers under ss. 46.273 and 46.278, pursuant to ss. 46.273 (2) (m), and 46.278 (6) (d). The Department may transfer funds from this appropriation to the appropriation under (6) (gc) for the purpose specified under (6) (gc).

SECTION 3. 46.10 (16) of the Statutes is amended to read:

46.10 (16) The department shall delegate to county departments under ss. 51.42 and 51.437 or the local providers of care and services meeting the standards established by the department under s. 46.036, the responsibilities vested in the department under this section for collection of patient fees for services other than those provided at state facilities and other than those services for children that are reimbursed pursuant to a waiver under s. 46.27 (11), 46.273, 46.275 or 46.278 if such county departments or providers meet the conditions deemed appropriate by the department. The department may delegate to county departments under ss. 51.42 and 51.437 the responsibilities vested in the department under this section for collection of patient fees for services provided at the state facilities and services for children that are reimbursed pursuant to a waiver under s. 46.27 (11), 46.273, 46.275 or 46.278 if the necessary conditions are met.

SECTION 4. 2001 Wis. Act 16, s. 9123 (16rs) (a) and (b) are renumbered section 46.273 (1) and (2) of the Statutes and amended to read:

46.273 [title] WAIVER PROGRAMS PILOT PROGRAM FOR LONG-TERM CARE SUPPORT OF CHILDREN WITH DISABILITIES.

(1) (a) In this subsection, unless the context requires otherwise:

~~(a) 1.~~ “Administering agency” means a county department under s. section 46.23, 51.42, or 51.437 ~~of the statutes~~ or a human services agency that administers the program under a contract with such a county department.

~~(b) 2.~~ “Program” means a ~~pilot~~ program that provides a system of long-term support care for children with disabilities and their families.

~~(2) (b)~~ The department ~~of health and family services~~ shall seek waivers of federal medical assistance statutes and regulations from the federal department of health and human services that are necessary to implement, ~~in pilot sites,~~ the program. If the waivers are granted, the program shall have all of the following characteristics:

~~(a) 2.~~ The administration of the program shall be consistent with s. section 46.985 ~~of the statutes~~, including a family-centered assessment and planning process.

~~(b) 3.~~ The program shall operate within rate settings based upon a child’s level of ~~care and support~~ needs. The department ~~of health and family services~~ shall ~~promulgate rules that~~ specify rates that are consistent with federal medical assistance home and community-based waiver regulations.

~~(c) 4.~~ The department ~~of health and family services~~ shall coordinate supports and services under the program with the medical assistance fee-for-service system, including the prior authorization process.

~~5.~~ ~~The lead agency for the program shall be an administering agency.~~

~~(d) 6.~~ Counties in which the program is located shall provide, contract for the provision of, organize, or arrange for long-term support care ~~supports~~ for eligible children through 21 years of age up to age 24 years, consistent with s. section 46.985 (1) (b) and (6) (f) ~~of the statutes~~.

~~(e) 7.~~ Information and assistance services operated under the program shall provide, contract, or arrange for the provision of all of the following:

1. a. Information and referral services and other assistance at hours that are convenient for the public.

2. b. Within the limits of available funding, prevention and intervention services.

3. e. Counseling concerning public and private benefits programs.

4. d. Assistance with understanding rights of children and parents within the long-term support care system.

~~(f) 8-~~ The administering agency shall determine functional and financial eligibility for the program by coordinating with the department of health and family services in completing all of the following:

~~1. a-~~ A determination of functional eligibility for the children's long-term support benefit.

~~2. b-~~ A determination of financial eligibility and of the maximum amount of liability for cost sharing of services under ss. 46.10 (2) and 46.03 (18), required for a family who is seeking long-term support care services, under standards prescribed by the department of health and family services.

~~3. e-~~ Assistance to a child who is eligible for a long-term support benefit and to the child's family with respect to the choice of whether or not to participate in the waiver pilot.

~~4. d-~~ Assistance in enrolling in the program, for families who choose to enroll their children.

~~9-~~ ~~The cost of the program may not exceed the cost of existing services under sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes.~~

~~10-~~ ~~The program shall blend the costs per child served in the areas of the sites in which services are provided under sections 46.27 (11), 46.275, 46.277, 46.278, 46.985, and 51.44 of the statutes.~~

~~(g) 11-~~ The department of health and family services may develop a methodology to distribute funding under the program on a per child per month basis.

~~(h) 12-~~ The department of health and family services shall reinvest into the children's long-term support system any funding saved by this new methodology.

~~(i) 13-~~ The department of health and family services shall equitably assign priority on any necessary waiting lists, consistent with criteria prescribed by that department, for children who are eligible for the program, but for whom resources are not available.

~~(j) 15-~~ The department of health and family services shall determine eligibility for program applicants for state supplemental payments under s. section 49.77 of the statutes, medical assistance under s. section 49.46 of the statutes, and the federal food stamp program under 7 USC 2011 to 2029.

SECTION 5. 2001 Wis. Act 16, s. 9123 (16rs) (c)¹ is repealed.

SECTION 6. 46.273 (2) (m) of the Statutes is created to read:

46.273 (2) (m) If a county makes available nonfederal funds equal to the state share of service costs under a waiver received under this section, the department may, from the appropriation under s. 20.435 (4) (o), provide reimbursement for services that the county provides under this section to persons who are in addition to those who may be served under this section with funds from the appropriation under s. 20.435 (4) (b) or (w).

SECTION 7. 46.273(3) of the Statutes is created to read:

46.273 (3) As part of a waiver requested under sub. (2), the department may seek a waiver under 42 USC 1396n (c) permitting medical assistance reimbursement on a statewide basis for certain in-home habilitation services specified in the waiver request for children diagnosed with an autism spectrum disorder. The terms of a waiver obtained under this subsection control over any contrary provision of sub. (1) or (2).

SECTION 9124. Nonstatutory provisions; health and family services.

(X) **RULES ON LIABILITY FOR COST OF SERVICES AND UNIFORM FEES FOR CHILDREN'S WAIVER SERVICES.** The department of health and family services may use the procedure under section 227.24 of the statutes to promulgate rules authorized under sections 46.10 and 46.03 (18) of the statutes, establishing liability for cost of services and a uniform system of fees for services for children that are reimbursable pursuant to a waiver under section 46.27 (11), 46.273, 46.275 or 46.278 of the statutes. The rules shall provide that liability for cost of services and the uniform system of fees shall apply to these services regardless whether the services are paid for under a waiver or are otherwise paid for with public funds. The uniform system of fees for these services established under the rule shall specify a maximum monthly payment significantly higher than the amount currently specified by s. HFS 1.03 (12) (c),

From Rachel 5/30:

← No

¹ This paragraph currently provides:

"If the federal waivers specified under paragraph (b) are approved, the department of health and family services shall seek enactment of statutory language, including appropriation of necessary funding, to implement the model described under paragraph (b), as approved under the federal waivers. Any new resources for supports and services for long-term care for children with disabilities and their families shall be managed under the program after approval of the federal waivers specified in paragraph (b) and enactment of necessary statutory language to implement the model under paragraph (b)."

Wis. Adm. Code, for other services. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

AUTISM WAIVER BUDGET DRAFT – EXPLANATION

SECTION 1.

Creates an appropriation to cover the cost of collecting cost of care liability for children's waiver services, funded by part of the proceeds of those collections.

SECTION 2.

Creates an appropriation funded by collections of cost of care liability for children's waiver services, to be distributed in part to counties for children's waiver services under CIP 1B and Children's LTS Waivers and transferred in part to cost-of-collection appropriation.

SECTION 3.

Amends the existing cost of care liability collection statute such that the Department rather than county departments will collect the cost of care liability for children's waiver services under CIP 1A, CIP 1B, COP-W and Children's LTS Waivers.

SECTION 4.

Creates statutory authority (based on existing non-statutory provision) for Children's LTS Waiver, and makes certain technical changes in existing language to conform to waiver being submitted by Department.

SECTION 5.

Repeals existing non-statutory provision that directs the Department to seek statutory waiver language if Children's LTS Waiver is approved.

SECTION 6.

Creates statutory authority for locally-matched Children's LTS Waiver slots.

SECTION 7. 46.273(3) of the Statutes is created to read:

Authorizes Department to seek waiver for in-home autism services as part of Children's LTS Waiver.

SECTION 9124 (X).

Authorizes Department to use emergency rule procedure to adopt rules setting cost of care liability for type of children's services provided under CIP 1A, CIP 1B, COP-W and Children's LTS Waivers. Liability applies regardless whether the services are paid for under a waiver or other public funds. Fees must be significantly higher than the amount currently specified in rules for other services.



JIM DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842
TTY (608) 267-9629

May 6, 2003

The Honorable Alberta Darling, Co-chair
Joint Committee on Finance
317 East, State Capitol
Madison, WI 53702

The Honorable Dean Kaufert Co-chair
Joint Committee on Finance
308 East, State Capitol
Madison, WI 53702

Dear Senator Darling and Representative Kaufert:

The Governor's 2003-05 biennial budget included several projections and proposals that were based on the best information available at the time of introduction. In addition, the Legislative Fiscal Bureau, in its review of the Governor's budget, has identified some technical corrections. In the interest of assisting the Joint Committee on Finance in completing its work as expeditiously as possible, the Governor is proposing several changes that address these issues.

These changes address identified shortfalls in the Governor's budget, meet critical program needs and leave an additional \$1.3 million to be allocated by the Committee. The Governor, with assistance from the Department of Administration, had six weeks to fashion a plan that addresses an inherited \$3.2 billion budget deficit. The Joint Committee on Finance, with assistance from the Legislative Fiscal Bureau, has had 11 weeks to carefully scrutinize the Governor's budget and continues to work on developing its own deficit reduction plan. As in past budgets, the Department of Administration looks forward to working cooperatively with the Committee in addressing the inevitable funding reestimates that occur due to more recent information.

PROGRAM REVISIONS

1. **In-Home Autism Services**: The Governor's budget reduced funding for in-home autism services in response to certain advisories by the federal government that these services would no longer be eligible for reimbursement under the Medicaid program. In light of the state's deficit, funding was unavailable to provide 100 percent state support for the current program. While the current program could not be retained, the Governor provided over \$4.5 million GPR annually to continue high priority treatment services to autistic children.

Since introduction of the Governor's budget, the Department of Health and Family Services and advocates for autistic children have worked closely with the federal Centers for Medicare and Medicaid Services (CMS) to fully understand the federal regulations and reimbursement requirements. On April 17, 2003, CMS confirmed that the state could be reimbursed for in-home autism services through a home and community based services waiver. The estimated annual state cost of a revised in-home autism services program that complies with the federal waiver is \$13.5 million GPR in FY04 and \$12.9 million GPR in FY05. After applying the funding already included in the Governor's budget for this purpose, the net additional funding necessary is \$9.0 million GPR in FY04 and \$8.4 million GPR in FY05.

2. Funding for Manufacturing Extension Grants: The Governor recommends providing \$500,000 GPR annually for grants to manufacturing extension partnerships that receive federal funding from the National Institute of Standards and Technology (NIST). Organizations in Wisconsin that currently receive NIST funding include the Wisconsin Manufacturing Assessment Partnership and the Northwest Wisconsin Manufacturing Outreach Center. Recipients of these grants would be required to meet certain performance goals to ensure that state funds are being used effectively in providing assistance to the manufacturing sector.
3. Manufacturing Assessment Function: After further review and consultation with businesses and local governments, the Governor recommends retaining manufacturing assessment responsibilities in the Department of Revenue. Funding of \$2.3 million GPR and 31.0 FTE GPR positions annually should be restored to the department's budget in each fiscal year to reflect the Governor's intent that the state continue to provide these important assessment services to local governments.
4. Tribal Gaming:

Management Assistance Grant to Menomonee County: Under current law, the Department of Administration is required to provide a \$500,000 annual grant from tribal gaming revenues to Menomonee County to assist with the county's overall budget. Due to a technical oversight, the funding for this grant was not included in the Governor's budget. An additional \$500,000 PR-S (tribal gaming revenues) annually needs to be added to the bill to fund this program and reflect the Governor's intent.

Full Funding of Existing Programs Funded from Tribal Gaming Revenues: Under the pre-2003 tribal gaming compacts, the state receives \$24.4 million annually. This funding is distributed to a number of programs and agencies for economic development, local assistance, gaming regulation, education and health care programs. Due to a technical oversight, some of the appropriations funded from these revenues were omitted in the tribal gaming fund condition statement. As a result, appropriations exceed current tribal gaming revenues by \$208,800 in FY04 and \$1,241,600 in FY05. The Governor recommends that the transfer of excess



State of Wisconsin
2003 - 2004 LEGISLATURE

D-NOTE

LRBb0285/1

DAK:.....
jld

LFB:.....Carabell – Intensive, in-home services for autistic children
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page ~~206~~³⁶⁶, line 14: after “46.10” insert “, less moneys received under sub. (7)
3 (h).”

4 2. Page 377, line 10: after that line insert:

5 “SECTION 475f. 20.435 (7) (gg) of the statutes is amended to read:

6 20.435 (7) (gg) *Collection remittances to local units of government.* All moneys
7 received under ss. 46.03 (18) and 46.10, less moneys received under par. (h), for the
8 purposes of remitting departmental collections under s. 46.03 (18) (g) or 46.10 (8m)
9 (a) 3. and 4.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27,

76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

1 SECTION 475h. 20.435 (7) (h) of the statutes is created to read:

2 20.435 (7) (h) Disabled children long-term support waiver. All moneys received
3 under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver
4 under s. 46.27 (11), 46.273, 46.275, or 46.278, for distribution to counties according
5 to a formula developed by the department as a portion of the state share of payments
6 for services for children under the waivers under ss. 46.273 and 46.278.

7 ~~department may transfer funds from this appropriation account to the appropriation~~
8 ~~account under sub. (6) for the purpose specified under sub. (6) (g).~~ KEEP

9 3. Page 528, line 2: after that line insert:

10 "SECTION 1100g. 46.10 (16) of the statutes is amended to read:

11 46.10 (16) The department shall delegate to county departments under ss.
12 51.42 and 51.437 or the local providers of care and services meeting the standards
13 established by the department under s. 46.036, the responsibilities vested in the
14 department under this section for collection of patient fees for services other than
15 those provided at state facilities or those provided to children that are reimbursed
16 under a waiver under s. 46.27 (11), 46.273, 46.275, or 46.278, if such the county
17 departments or providers meet the conditions deemed that the department
18 determines are appropriate by the department. The department may delegate to
19 county departments under ss. 51.42 and 51.437 the responsibilities vested in the
20 department under this section for collection of patient fees for services provided at
21 the state facilities if the necessary conditions are met."

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103; 2001 a. 16, 69, 103.

22 4. Page 531, line 22: after that line insert:

1 "SECTION 1112s. 46.273 of the statutes is created to read:

2 46.273 Waiver programs for long-term support of children with
3 disabilities. (1) In this section, except as provided in sub. (3):

4 (a) "Administering agency" means a county department under s. 51.42 or
5 51.437 or a human services agency that administers the program under a contract
6 with such a county department.

7 (b) "Program" means a program that provides a system of long-term support
8 for children with disabilities and their families.

9 (2) The department shall seek waivers of federal Medical Assistance Program
10 statutes and regulations from the federal department of health and human services
11 that are necessary to implement the program. If the waivers are granted, the
12 department shall, from the appropriations under s. 20.435 (4) (b), (o), and (w) and (7)
13 (h), administer the program, which, except as provided in sub. (3), shall have all of
14 the following characteristics:

15 (a) The administration of the program shall be consistent with s. 46.985,
16 including a family-centered assessment and planning process.

17 (b) The program shall operate within rate settings based upon a child's level
18 of support needs. The department shall specify rates that are consistent with federal
19 Medical Assistance Program home and community-based waiver regulations.

20 (c) The department shall coordinate supports and services under the program
21 with the Medical Assistance fee-for-service system, including the prior
22 authorization process.

23 (d) Counties in which the program is located shall provide, contract for the
24 provision of, organize, or arrange for long-term support for eligible children
25 ~~through~~ years of age, consistent with s. 46.985 (1) (b) and (6) (f).

up to 22

1 (e) Information and assistance services operated under the program shall
2 provide, contract, or arrange for the provision of all of the following:

3 1. Information and referral services and other assistance at hours that are
4 convenient for the public.

5 2. Within the limits of available funding, prevention and intervention services.

6 3. Counseling concerning public and private benefits programs.

7 4. Assistance with understanding rights of children and parents within the
8 long-term support system.

9 (f) The administering agency[✓] shall determine functional and financial
10 eligibility for the program by coordinating with the department in completing all of
11 the following:

12 1. A determination of functional eligibility for the children's long-term support
13 benefit.

14 2. A determination of financial eligibility and of the maximum amount of
15 liability for costs of services under ss. 46.10 (2) and 46.03 (18)[✓], required for a family
16 who is seeking long-term support, under standards prescribed by the department.

17 3. Assistance to a child who is eligible for a long-term support benefit and to
18 the child's family with respect to the choice of whether or not to participate in the
19 waiver.

20 4. Assistance in enrolling in the program, for families who choose to enroll their
21 children.

22 (g) The department may develop a methodology to distribute funding under the
23 program on a per child per month basis.

24 (h) The department shall reinvest into the children's long-term support system
25 any funding saved by the methodology specified in par. (g).[✓]

1 (i) The department shall equitably assign priority on any necessary waiting
2 lists, consistent with criteria prescribed by that department, for children who are
3 eligible for the program, but for whom resources are not available.

4 (j) The department shall determine eligibility for program applicants for state
5 supplemental payments under s. 49.77, Medical Assistance under s. 49.46, and the
6 federal food stamp program under 7 USC 2011 to 2029.

7 (3) As part of waivers requested under sub. (2), the department may seek a
8 waiver under 42 USC 1396n (c) permitting Medical Assistance reimbursement on a
9 statewide basis for certain in-home habilitation services specified in the waiver
10 request for children who are diagnosed with an autism spectrum disorder. The terms
11 of a waiver under this subsection, if granted, control over any provision of sub. (1) or
12 (2) that conflicts with the waiver.

13 (4) If a county makes available nonfederal funds equal to the state share of
14 service costs under a waiver received under this section, the department may, from
15 the appropriation under s. 20.435 (4) (o), provide reimbursement for services that the
16 county provides under this section to persons who are in addition to those who may
17 be served under this section with funds from the appropriation under s. 20.435 (4)
18 (b) or (w).”

19 **5.** Page 618, line 12: after that line insert:

20 “SECTION 1403d. 49.46 (2) (b) 8. of the statutes is amended to read:

21 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
22 (11), 46.273, 46.275, 46.277 or 46.278 or under the family care benefit if a waiver is
23 in effect under s. 46.281 (1) (c).”

History: 1971 c. 125, 211, 215; 1973 c. 90, 147; 1975 c. 39; 1977 c. 29 ss. 592m, 1656 (18); 1977 c. 389, 418; 1979 c. 34, 221; 1981 c. 20, 93, 317; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 245 ss. 10, 15; 1983 a. 538; 1985 a. 29, 120, 176, 253; 1987 a. 27, 307, 339, 399, 413; 1989 a. 9; 1989 a. 31 ss. 1454d to 1460 and 2909g, 2909i; 1989 a. 122, 173, 333, 336, 351; 1991 a. 39, 178, 269, 316; 1993 a. 16, 99, 269, 277, 446, 450, 491; 1995 a. 27, 77, 164, 289, 303, 457; 1997 a. 27, 35, 105, 237; 1999 a. 9; 2001 a. 16.

1
2
3

6. Page 1054, line 2: after that line insert:

“SECTION 2813g. ✓ 2001 Wisconsin Act 16, section 9123 (16rs) is repealed.”. ✗

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0285/1dn

DAK:.....

Jld

To Rachel Carabell:

This is the draft for Motion 178, item p.

Please review this draft with extreme care; I'm still not entirely sure that everything works as is intended. In particular, please look at the following:

1. In s. 20.435 (7) (h), I did not include the DHFS language referring to ss. 46.273 (2) (m) (this provision is s. 46.273 (4) ~~ss~~ in the draft) and 46.278 (6) (d), stats.; these provisions seem unrelated to the purpose of s. 20.435 (7) (h).
2. In s. 46.10 (16), I did not include the DHFS language proposed for the second sentence; it seems redundant to that for the first sentence.
3. I added a cross-reference to s. 46.273 in s. 49.46 (2) (b) 8., so that the services are a Medical Assistance benefit. Note that, because of this amendment, s. 49.45 (37) applies, as I discussed with Erin Warner of DHFS.
- * 4. It is unnecessary to cross-reference or otherwise refer to s. 49.45 (18) (b), stats., which is limited to cost sharing under that subsection.
5. In the interests of drafting time, I repealed 2001 Wisconsin Act 16, section 9123 (16rs) and created s. 46.273; it is readily apparent from the file that the material for s. 46.273 is very largely drawn from 2001 Wisconsin Act 16.
6. Should I cross-reference s. 20.435 (4) (gp) (as amended in the bill) under s. 46.273 (2) (intro.) or (4)?
7. Should any of the provisions under s. 46.275 (5) (which govern funding under that section and, largely, under ss. 46.277 and 46.278) be included in s. 46.273?

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0285/1dn
DAK:jld:rs

June 4, 2003

To Rachel Carabell:

This is the draft for Motion 178, item p.

Please review this draft with extreme care; I'm still not entirely sure that everything works as is intended. In particular, please look at the following:

1. In s. 20.435 (7) (h), I did not include the DHFS language referring to ss. 46.273 (2) (m) (this provision is s. 46.273 (4) in the draft) and 46.278 (6) (d), stats.; these provisions seem unrelated to the purpose of s. 20.435 (7) (h).
2. In s. 46.10 (16), I did not include the DHFS language proposed for the second sentence; it seems redundant to that for the first sentence.
3. I added a cross-reference to s. 46.273 in s. 49.46 (2) (b) 8., so that the services are a Medical Assistance benefit. Note that, because of this amendment, s. 49.45 (37) applies, as I discussed with Erin Warner of DHFS.
4. It is unnecessary to cross-reference or otherwise refer to s. 49.45 (18) (b), stats., which is limited to cost sharing under that subsection.
5. In the interests of drafting time, I repealed 2001 Wisconsin Act 16, section 9123 (16rs) and created s. 46.273; it is readily apparent from the file that the material for s. 46.273 is very largely drawn from 2001 Wisconsin Act 16.
6. Should I cross-reference s. 20.435 (4) (gp) (as amended in the bill) under s. 46.273 (2) (intro.) or (4)?
7. Should any of the provisions under s. 46.275 (5) (which govern funding under that section and, largely, under ss. 46.277 and 46.278) be included in s. 46.273?

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TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

6/6/03

CONVERSATION
WITH:

Rachel Carabell

OF:

TELEPHONE NO:

REGARDING LRB #
OR DRAFT TOPIC:

b 0285/1

INSTRUCTIONS:

Redraft

① Use only 46.273 (3); make noustat;
change x-reps

② Don't repeal 2001 Wis Act 16, sec
9123 (16rs)

③ Create annual approp for state ops
for 1-t care disabled children for transfer
from 20.435 (1)(h)?



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0285/F2
DAK:jld:rs

SOON - credit 6/9
D-NOTE

LFB:.....Carabell - Intensive, in-home services for autistic children
FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

other than for institutional
operations and charges

1 At the locations indicated, amend the bill as follows:

2 ~~1. Page 366, line 14: after "46.10" insert ", less moneys received under sub. (7).~~

✓
8
INSERT 1-3

4 2. Page 377, line 10: after that line insert:

✓
and sub.
(6)(gc)

5 "SECTION 475f. 20.435 (7) (gg) of the statutes is amended to read:

6 20.435 (7) (gg) *Collection remittances to local units of government. All moneys*

7 received under ss. 46.03 (18) and 46.10, ~~less moneys received under par. (h),~~ for the

8 purposes of remitting departmental collections under s. 46.03 (18) (g) or 46.10 (8m)

9 (a) 3. and 4.

10 SECTION 475h. 20.435 (7) (h) of the statutes is created to read:

less the amounts appropriated under sub. (6)(gc),

20.435 (7) (h) *Disabled children long-term support waiver.* All moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver under s. 46.27 (11), ~~46.273~~, 46.275, or 46.278 for distribution to counties according to a formula developed by the department as a portion of the state share of payments for services for children under the waiver ~~under ss. 46.273 and~~ 46.278." *KEEP*

3. Page 528, line 2: after that line insert:

"SECTION 1100g. 46.10 (16) of the statutes is amended to read:

46.10 (16) The department shall delegate to county departments under ss. 51.42 and 51.437 or the local providers of care and services meeting the standards established by the department under s. 46.036, the responsibilities vested in the department under this section for collection of patient fees for services other than those provided at state facilities or those provided to children that are reimbursed under a waiver under s. 46.27 (11), ~~46.273~~, 46.275, or 46.278, if such the county departments or providers meet the conditions deemed that the department determines are appropriate by the department. The department may delegate to county departments under ss. 51.42 and 51.437 the responsibilities vested in the department under this section for collection of patient fees for services provided at the state facilities if the necessary conditions are met."

4. Page 531, line 22: after that line insert:

"SECTION 1112s. 46.273 of the statutes is created to read:

46.273 Waiver programs for long-term support of children with disabilities. (1) In this section, except as provided in sub. (3):

or a waiver requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act... (this act), section 9124

80
AUGUST 14

1 (a) "Administering agency" means a county department under s. 51.42 or
2 51.437 or a human services agency that administers the program under a contract
3 with such a county department.

4 (b) "Program" means a program that provides a system of long-term support
5 for children with disabilities and their families.

6 (2) The department shall seek waivers of federal Medical Assistance Program
7 statutes and regulations from the federal department of health and human services
8 that are necessary to implement the program. If the waivers are granted, the
9 department shall, from the appropriations under s. 20.435 (4) (b), (o), and (w) and (7)
10 (h), administer the program, which, except as provided in sub. (3), shall have all of
11 the following characteristics:

12 (a) The administration of the program shall be consistent with s. 46.985,
13 including a family-centered assessment and planning process.

14 (b) The program shall operate within rate settings based upon a child's level
15 of support needs. The department shall specify rates that are consistent with federal
16 Medical Assistance Program home and community-based waiver regulations.

17 (c) The department shall coordinate supports and services under the program
18 with the Medical Assistance fee-for-service system, including the prior
19 authorization process.

20 (d) Counties in which the program is located shall provide, contract for the
21 provision of, organize, or arrange for long-term support for eligible children up to 22
22 years of age, consistent with s. 46.985 (1) (b) and (6) (f).

23 (e) Information and assistance services operated under the program shall
24 provide, contract, or arrange for the provision of all of the following:

1 1. Information and referral services and other assistance at hours that are
2 convenient for the public.

3 2. Within the limits of available funding, prevention and intervention services.

4 3. Counseling concerning public and private benefits programs.

5 4. Assistance with understanding rights of children and parents within the
6 long-term support system.

7 (f) The administering agency shall determine functional and financial
8 eligibility for the program by coordinating with the department in completing all of
9 the following:

10 1. A determination of functional eligibility for the children's long-term support
11 benefit.

12 2. A determination of financial eligibility and of the maximum amount of
13 liability for costs of services under ss. 46.10 (2) and 46.03 (18), required for a family
14 who is seeking long-term support, under standards prescribed by the department.

15 3. Assistance to a child who is eligible for a long-term support benefit and to
16 the child's family with respect to the choice of whether or not to participate in the
17 waiver.

18 4. Assistance in enrolling in the program, for families who choose to enroll their
19 children.

20 (g) The department may develop a methodology to distribute funding under the
21 program on a per child per month basis.

22 (h) The department shall reinvest into the children's long-term support system
23 any funding saved by the methodology specified in par. (g).

2001 Wisconsin Act 16, section 9123 (16rs) (b)

1 (i) The department shall equitably assign priority on any necessary waiting
2 lists, consistent with criteria prescribed by that department, for children who are
3 eligible for the program, but for whom resources are not available.

4 (j) The department shall determine eligibility for program applicants for state
5 supplemental payments under s. 49.77, Medical Assistance under s. 49.46, and the
6 federal food stamp program under 7 USC 2011 to 2029

, by January 1, 2004,

7 nonstat (8C)
8 As part of waivers requested under ~~the program~~, the department may seek a
9 waiver under 42 USC 1396n (c) permitting Medical Assistance reimbursement on a
10 statewide basis for certain in-home habilitation services specified in the waiver
11 request for children who are diagnosed with an autism spectrum disorder. ~~The terms~~
12 of a waiver under this subsection, if granted, control over any provision of sub. (1) or
13 (2) that conflicts with the waiver."

of health and family services

INSERT 6-2
MOVE THIS TO P. 6

13 (4) If a county makes available nonfederal funds equal to the state share of
14 service costs under a waiver received under this section, the department may, from
15 the appropriation under s. 20.435 (4) (o), provide reimbursement for services that the
16 county provides under this section to persons who are in addition to those who may
17 be served under this section with funds from the appropriation under s. 20.435 (4)
18 (b) or (w)."

19 5. Page 618, line 12: after that line insert:

20 "SECTION 1403d. 49.46 (2) (b) 8. of the statutes is amended to read:

21 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27

22 (11), ~~46.276~~, 46.275, 46.277 or 46.278 or ⁽²⁾ under the family care benefit if a waiver is
23 in effect under s. 46.281 (1) (c)."

or under a waiver requested under 2001 Wisconsin Act 16, section 9123

24 6. Page 1054, line 2: after that line insert:

(16rs) or 2003 Wisconsin Act (this act), section 9124 (1)

8C

XXXXXXXXXX

1 ~~SECTION 2813g. 2001 Wisconsin Act 16, section 9123 (16rs) is repealed.~~

2 ~~(END)~~

#. Page 107⁷, line 14¹⁴: after that line insert:
INSERT 6-2 (from previous page)

(end) ✓

D-NOTE
↓

[INSERT 1-3]

#. Page 374, line 24: after that line insert:

" SECTION 471c. CR; 20.435^X(b)(gc)

20.435^(b)(gc) Disabled children long-term

support waiver; state operations. ↓ the amounts

in the schedule for collection of moneys received

under ss. 46.03(18) and 46.10[✓] for services for

children reimbursed under a waiver under s. 46.27

(11), 46.275, or 46.278[✓] or the waiver requested

under 2001 Wisconsin Act 16, section 9123(16rs) or

2003 Wisconsin Act ... (this act), section 9124^(*). "

§ From all moneys received under ss. 46.03(18) and

46.10 for services for children reimbursed

under a waiver under s. 46.27(11)[✓], 46.275[✓],

or 46.278[✓] or the waiver requested under

2001 Wisconsin Act 16, section 9123(16rs) or

2003 Wisconsin Act ... (this act), section 9124^(*)

MOVE

~~XXXXXXXXXX~~

D-NOTE

To Rachel Carabell:

I used as a model for \S 20.435 (6) (gc) and
(7) (gg) and (h) the appropriations under s.
20.433 (1) (g) and (h) I also, as we agreed,
amended s. 20.435 (7) (gg) to differentiate
between collections for inpatient, institutional
services (which are received under s. 20.435 (2)
(gk), stats.) and those received under
s. 20.435 (7) (gg), stats.) and I deleted the amendment
to s. 20.435 (2) (gk), stats.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0285/2dn
DAK:jld:jf

June 9, 2003

To Rachel Carabell:

I used as a model for s. 20.435 (6) (gc) and (7) (gg), stats., and s. 20.435 (6) (h) the appropriations under s. 20.433 (1) (g) and (h), stats. I also, as we agreed, amended s. 20.435 (7) (gg), stats., to differentiate between collections for inpatient, institutional services (which are received under s. 20.435 (2) (gk), stats.) and those received under s. 20.435 (7) (gg), stats., and I deleted the amendment to s. 20.435 (2) (gk), stats.

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Administrative Services Manager
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TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

6/9/03

CONVERSATION
WITH:

Rachel Carabell

OF:

TELEPHONE NO:

REGARDING LRB #
OR DRAFT TOPIC:

INSTRUCTIONS:

60285/2

Redraft -

Delete "other --- charges" under
20-435(7)(gg) - may inadvertently affect cos.



D-NOTE

LFB:.....Carabell – Intensive, in-home services for autistic children
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 374, line 24: after that line insert:

3 “SECTION 471c. 20.435 (6) (gc) of the statutes is created to read:

4 20.435 (6) (gc) *Disabled children long-term support waiver; state operations.*

5 From all moneys received under ss. 46.03 (18) and 46.10 for services for children

6 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver

7 requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act

8 (this act), section 9124 (8c), the amounts in the schedule for collection of moneys

9 received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a

10 waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001

11 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act (this act), section 9124

12 (8c).”.

credited to

1 **2.** Page 377, line 10: after that line insert:

2 “**SECTION 475f.** 20.435 (7) (gg) of the statutes is amended to read:

3 20.435 (7) (gg) *Collection remittances to local units of government.* All moneys

4 received under ss. 46.03 (18) and 46.10, ~~other than for institutional operations and~~

5 ~~changes~~ less moneys ~~received under~~ par. (h) and sub. (6) (gc), for the purposes of

6 remitting departmental collections under s. 46.03 (18) (g) or 46.10 (8m) (a) 3. and 4.

7 **SECTION 475h.** 20.435 (7) (h) of the statutes is created to read:

8 20.435 (7) (h) *Disabled children long-term support waiver.* All moneys received

9 under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver

10 under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001 Wisconsin

11 Act 16, section 9123 (16rs), or 2003 Wisconsin Act (this act), section 9124 (8c), less

12 the amounts appropriated under sub. (6) (gc), for distribution to counties according

13 to a formula developed by the department as a portion of the state share of payments

14 for services for children under the waiver under s. 46.278 or the waiver requested

15 under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act (this act),

16 section 9124 (8c).”.

17 **3.** Page 528, line 2: after that line insert:

18 “**SECTION 1100g.** 46.10 (16) of the statutes is amended to read:

19 **46.10 (16)** The department shall delegate to county departments under ss.

20 51.42 and 51.437 or the local providers of care and services meeting the standards

21 established by the department under s. 46.036, the responsibilities vested in the

22 department under this section for collection of patient fees for services other than

23 those provided at state facilities or those provided to children that are reimbursed

24 under a waiver under s. 46.27 (11), 46.275, or 46.278 or a waiver requested under

1 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act (this act),
 2 section 9124 (8c), if such the county departments or providers meet the conditions
 3 deemed that the department determines are appropriate by the department. The
 4 department may delegate to county departments under ss. 51.42 and 51.437 the
 5 responsibilities vested in the department under this section for collection of patient
 6 fees for services provided at the state facilities if the necessary conditions are met.”.

7 **4.** Page 618, line 12: after that line insert:

8 “SECTION 1403d. 49.46 (2) (b) 8. of the statutes is amended to read:

9 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
 10 (11), 46.275, 46.277 or 46.278 or, under the family care benefit if a waiver is in effect
 11 under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin Act 16,
 12 section 9123 (16rs), or 2003 Wisconsin Act (this act), section 9124 (8c).”

13 **5.** Page 1077, line 14: after that line insert:

14 **(8c)** As part of waivers requested under 2001 Wisconsin Act 16, Section 9123
 15 (16rs) (b), the department of health and family services may, by January 1, 2004, seek
 16 a waiver under 42 USC 1396n (c) permitting Medical Assistance reimbursement on
 17 a statewide basis for certain in-home habilitation services specified in the waiver
 18 request for children who are diagnosed with an autism spectrum disorder.”.

19 (END)

PLAIN

NON STAT
 (LPS: check component)

(CS)
 AUTISM SPECTRUM DISORDER WAIVER.

D-NOTE

D-NOTE

To Rachel Carabell:

✓ ✓
This redraft adds a title to ^(CS)SECTION
9124 (8c).

DAK

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

LRBb0285/3dn
DAK:jld:pg

June 9, 2003

To Rachel Carabell:

This redraft adds a title to SECTION 9124 (8c).

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0285/3
DAK:jld:pg

LFB:.....Carabell – Intensive, in-home services for autistic children
FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

1 At the locations indicated, amend the bill as follows:

2 1. Page 374, line 24: after that line insert:

3 “SECTION 471c. 20.435 (6) (gc) of the statutes is created to read:

4 20.435 (6) (gc) *Disabled children long-term support waiver; state operations.*

5 From all moneys received under ss. 46.03 (18) and 46.10 for services for children
6 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
7 requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act
8 (this act), section 9124 (8c), the amounts in the schedule for collection of moneys
9 received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a
10 waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001
11 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act (this act), section 9124
12 (8c).”.

1 **2.** Page 377, line 10: after that line insert:

2 “**SECTION 475f.** 20.435 (7) (gg) of the statutes is amended to read:

3 20.435 (7) (gg) *Collection remittances to local units of government.* All moneys
4 received under ss. 46.03 (18) and 46.10, less moneys credited to par. (h) and sub. (6)
5 (gc), for the purposes of remitting departmental collections under s. 46.03 (18) (g) or
6 46.10 (8m) (a) 3. and 4.

7 **SECTION 475h.** 20.435 (7) (h) of the statutes is created to read:

8 20.435 (7) (h) *Disabled children long-term support waiver.* All moneys received
9 under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver
10 under s. 46.27 (11), 46.275, or 46.278 or the waiver requested under 2001 Wisconsin
11 Act 16, section 9123 (16rs), or 2003 Wisconsin Act ... (this act), section 9124 (8c), less
12 the amounts appropriated under sub. (6) (gc), for distribution to counties according
13 to a formula developed by the department as a portion of the state share of payments
14 for services for children under the waiver under s. 46.278 or the waiver requested
15 under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act ... (this act),
16 section 9124 (8c).”.

17 **3.** Page 528, line 2: after that line insert:

18 “**SECTION 1100g.** 46.10 (16) of the statutes is amended to read:

19 46.10 (16) The department shall delegate to county departments under ss.
20 51.42 and 51.437 or the local providers of care and services meeting the standards
21 established by the department under s. 46.036, the responsibilities vested in the
22 department under this section for collection of patient fees for services other than
23 those provided at state facilities or those provided to children that are reimbursed
24 under a waiver under s. 46.27 (11), 46.275, or 46.278 or a waiver requested under

1 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act (this act),
2 section 9124 (8c), if such the county departments or providers meet the conditions
3 deemed that the department determines are appropriate by the department. The
4 department may delegate to county departments under ss. 51.42 and 51.437 the
5 responsibilities vested in the department under this section for collection of patient
6 fees for services provided at the state facilities if the necessary conditions are met.”.

7 **4.** Page 618, line 12: after that line insert:

8 “SECTION 1403d. 49.46 (2) (b) 8. of the statutes is amended to read:

9 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
10 (11), 46.275, 46.277 or 46.278 ~~or~~, under the family care benefit if a waiver is in effect
11 under s. 46.281 (1) (c), or under a waiver requested under 2001 Wisconsin Act 16,
12 section 9123 (16rs), or 2003 Wisconsin Act (this act), section 9124 (8c).”.

13 **5.** Page 1077, line 14: after that line insert:

14 “(8c) AUTISM SPECTRUM DISORDER WAIVER. As part of waivers requested under
15 2001 Wisconsin Act 16, section 9123 (16rs) (b), the department of health and family
16 services may, by January 1, 2004, seek a waiver under 42 USC 1396n (c) permitting
17 Medical Assistance reimbursement on a statewide basis for certain in-home
18 habilitation services specified in the waiver request for children who are diagnosed
19 with an autism spectrum disorder.”.

20 (END)