

2003 DRAFTING REQUEST

Assembly Amendment (AA-SB44)

Received: **06/18/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing: **John Grabel**

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

Drafter: **dkennedy**

May Contact: **LFB**

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email: **Rep.Kreuser@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Permit DHFS to implement funding for COP, CIP, CSPs, Family Care, provider rates, and long-term care if MA IGT funds are available

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>
/?	dkennedy 06/19/2003	kfollett 06/19/2003		_____			
/1			chaskett 06/19/2003	_____	amentkow 06/19/2003	amentkow 06/19/2003	

FE Sent For:

<END>

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1/?	dkennedy	1/1 kgf 6/11	1 kgf Coh 6/19	1/24/03 6/19			

FE Sent For:

<END>

DARK

ROUND 3 (in addition to the other ^{pages} you may have)

When we are able to enter amendments for the Assembly, please enter the following amendments for Representative Kreuser, by John Grabel; click "other." We have permission to discuss all of the amendments with the Fiscal Bureau. If I wrote the wrong attorney, please share the request with the correct attorney.

John's number = (608) 5129

PSC/District Attorney's Office

MDK

Create a 3 cent cell phone surcharge through PSC. Transfer funds to the District Attorney's base budget and GPR fund. \$240,000 annually of these funds would be directed to amend JFC language under the District Attorney's Office restoring 4.0 positions (item #2, page 212 of the comparative summary). In addition, add 1.0 assistant district attorney positions to Dane County's multijurisdictional enforcement group at approximately \$94,225 in 03-04 and \$97,700 in 04-05 (item #3, page 212 of the comparative summary) to prosecute domestic violence cases. Lapse remaining funds to GPR. (Comparative Summary page 212)

DOA, General Fund Taxes

JK

Delete JFC provision maintaining 3 positions for the Tax Appeals Commission and increased funding of \$317,600 above Gov's proposal. (comparative Summary page 40 and page 274-275.)

DHFS

DARK
60741

Amend Joint Finance language for the COP, CIP, Community Support Programs, Family Care, Non-institutional Provider Rates, and Nursing Home for Long-Term Care to allow DHFS to implement Governor's funding and language for these programs when MA funds become available. DHFS would report to (DOA and DOR) when these changes are implemented. This would eliminate the requirement that DHFS report to the legislature and make only recommendations. (Comparative Summary page 353/item #1, page 355-356/item #4, page 356-357/item #6, page 325/item#11, page 344/item#5)

DHFS/DWD

PJKel
6mm
?

Restore funding and statutory allocation authority within the TANF program for the nutritional services program (WIC) for women, infants and children. (Comparative Summary page 282-283 and 738)

DNR

RCT

1. Amend the Governor/Joint Finance language to extend the sunset deadline of the recycling compliance grant program from December 31, 2005 to December 31, 2012. (Page 488 of comparative summary)

2. Eliminate the printing and distribution of collector trout, turkey, pheasant and duck stamps. These stamps use to be used for license validation. However, since ALIS (automated licensing issuance system), they are not longer necessary. Currently, any license hunter or angler can request the stamps at DNR service centers and obtain them free of charge.

RNK
01
KPN

Legislature (Legislative Audit Bureau)

JTK

Add language to the budget bill that implements the subsidy accountability and reporting act. This would require agencies that grant business subsidies in excess of \$25,000 (\$75,000 for loan or loan guarantee) to: create written standards for the awarding of subsidies; enter into written agreements with the recipient of the subsidy; report subsidy activity annually to Legislative Audit Bureau; conform to minimum standards

2003

Date (time) needed

3:30, if possible

LRB b 0741 / 1

BUDGET AMENDMENT

DAK : 10/1 :

[Not for compile]

See form AMENDMENTS — COMPONENTS & ITEMS.

D-NOTE

ASSEMBLY AMENDMENT TO 2003 SENATE BILL 44

At the locations indicated, amend the bill, as shown by senate substitute amendment 1, as follows:

#. Page 1072, line 22.: delete lines 22 to 24.

#. Page 1073, line 1...: delete lines 1 and 2.

#. Page, line

#. Page, line

#. Page, line

#. Page, line

**SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 44**

CS

MEDICAL ASSISTANCE FEDERAL FUNDING IMPLEMENTATION

any of the following

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1073, line 4: delete lines 4 and 5 and substitute:

¶(a)

3 "(11ff) ~~EXPANSION OF FAMILY CARE BENEFIT, KENOSHA COUNTY~~. If, before July 1,
4 2005, the department of health and family services determines that sufficient federal
5 Medical Assistance Program moneys received under 42 CFR 433.51 are available to
6 support expansion of the family care benefit, as defined in section 46.2805(4) of the
7 statutes, in Kenosha County beginning July 1, 2005, at the level of funding
8 recommended by the governor in 2003 Senate Bill 44, and if projected revenues equal
9 or exceed projected expenditures, as identified in subsection (10f) (b), the secretary
10 of health and family services shall submit a plan to the joint committee on finance,
11 including any proposed appropriation transfers that are necessary to implement the
12 plan. If the cochairpersons of the committee do not notify the secretary of health and

INSERTA
¶(b)

a plan concerning any of the following that is able to be supported by the moneys

1 family services within 14 working days after the date of the secretary's submittal
2 that the committee has scheduled a meeting for the purpose of reviewing the plan,
3 the department of health and family services may implement the plan, including
4 making appropriation transfers, as proposed. If, within 14 working days after the
5 date of the secretary's submittal, the cochairpersons of the committee notify the
6 secretary of health and family services that the committee has scheduled a meeting
7 for the purpose of reviewing the proposed plan, the department of health and family
8 services may implement the plan, including making appropriation transfers, only
9 upon approval of the committee.”

10 (END)

D-NOTE

(P. 107)
2

INSERT A

1 assist the entity in ensuring that the entity's program under the contract is
2 functioning by January 1, 2004.

3 (10m) EMERGENCY RULES FOR COVERAGE OF PSYCHOSOCIAL SERVICES. Using the
4 procedure under section 227.24 of the statutes, the department of health and family
5 services may promulgate the rules required under section 49.45 (30e) (b) 1. to 3. of
6 the statutes and under section 49.45 (30e) (b) 4. of the statutes, as created by this act,
7 for the period before the effective date of the permanent rules promulgated under
8 section 49.45 (30e) (b) 1. to 3. of the statutes and under section 49.45 (30e) (b) 4. of
9 the statutes, as created by this act, but not to exceed the period authorized under
10 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
11 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
12 promulgating a rule under this subsection as an emergency rule is necessary for the
13 preservation of the public peace, health, safety, or welfare and is not required to
14 provide a finding of emergency for a rule promulgated under this subsection.

15 (11f) MEDICAL ASSISTANCE FEDERAL FUNDING REPORT. If, before July 1, 2005,
16 sufficient federal Medical Assistance Program moneys are available to support any
17 of the following state Medical Assistance programs or services at the level of funding
18 recommended by the governor in 2003 Senate Bill 44, the department of health and
19 family services shall so report to the legislature in the manner provided under
20 section 13.172(2) of the statutes and include in the report any proposed legislation
21 necessary for implementation:

22 1. (a) Administrative costs for implementing created or expanded claims for
23 federal Medical Assistance Program moneys under 42 CFR 433.51.

24 2. (b) Noninstitutional Medical Assistance service provider rates.

25 ~~3. (c) Reduction in the use of nursing homes for the provision of long-term care.~~



P. 20
2

INSERT A

1 3. (d) Expanded services and increased rates for services under sections 46.27
2 (11), 46.277, and 46.278 of the statutes, as affected by this act.

~~3 (e) Community support programs under section 51.421 (3) (e) of the statutes.~~

4 4. (f) Expansion of the family care benefit, as defined in section 46.2805 (4) of the
5 statutes, in Kenosha County.

6 (11k) MEDICAL ASSISTANCE NURSING HOME BED ASSESSMENT WAIVER REQUEST. By
7 the date that is 60 days after the effective date of this subsection, the department of
8 health and family services shall submit to the joint committee on finance, for review
9 and approval, a request to the secretary of the federal department of health and
10 human services, under 42 USC 1396n (c), for any waivers of federal Medical
11 Assistance program laws necessary to permit exemption of certain facilities with a
12 high proportion of private-pay residents or residents who are recipients of Medical
13 Assistance from the assessment under section 50.14 (2) of the statutes, as affected
14 by this act.

15 (11p) REPORT ON EXEMPTING PRIVATE-PAY NURSING HOME RESIDENTS FROM BED
16 ASSESSMENTS. By the date that is 60 days after the effective date of this subsection,
17 the department of health and family services shall submit to the joint committee on
18 finance a report on the feasibility of exempting private-pay residents of facilities
19 from the assessment under section 50.14 (2) of the statutes, as affected by this act.

20 (11pd) ASSESSMENT OF FACILITY LICENSED BEDS. If any facility assessments
21 required under section 50.14 (2) (intro.) of the statutes, as affected by this act, that
22 are due on July 1, 2003, and thereafter are paid under the rates specified in section
23 50.14 (2) (intro.), 2001 statutes, the department of health and family services shall
24 calculate the amounts owing under section 50.14 (2) (intro.) of the statutes, as

End of
INSERT A

DAK:ijf

D-NOTE

Out

Grabel
To John Grabel:

This amendment changes nonstatutory language of the Joint Committee on Finance requiring DHFS to report, with proposed legislation, if IGT Medical Assistance become moneys become available for certain programs. Your amendment request would, instead, allow DHFS "to implement Governor's funding and language for these programs when MA funds become available". As I explained by phone, I am unable to fulfill all of your request: the proposals for reduction in the use of nursing homes for the provision of long-term care and for community support programs require

legislative enactment of extensive statutory changes, and DHFS lacks the authority to implement them absent that enactment.

Other parts of your request (noninstitutional

MA service provider rates, expanded COP-Waiver

and CIP II and CIP IB rates and services, and

expansion of the family care benefit) can be

effected if the money is received and ^(D)

the Joint Committee on Finance makes

the appropriate appropriation transfers.

Therefore, I've drafted your amendment

to have that done. I also included

administrative costs for implementing

created or expanded claims for IGT moneys,

as specified by the Joint Committee on Finance.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0741/1dn
DAK:kjf:cph

June 19, 2003

To John Grabel:

This amendment changes nonstatutory language of the Joint Committee on Finance requiring DHFS to report, with proposed legislation, if IGT Medical Assistance moneys become available for certain programs. Your amendment request would, instead, allow DHFS "to implement Governor's funding and language for these programs when MA funds become available." As I explained by phone, I am unable to fulfill all of your request: the proposals for reduction in the use of nursing homes for the provision of long-term care and for community support programs require legislative enactment of extensive statutory changes, and DHFS lacks the authority to implement them absent that enactment. Other parts of your request (noninstitutional MA service provider rates, expanded COP-waiver and CIP II and CIP IB rates and services, and expansion of the family care benefit) can be effected if the money is received *and* the Joint Committee on Finance makes the appropriate appropriation transfers. Therefore, I've drafted your amendment to have that done. I also included administrative costs for implementing created or expanded claims for IGT moneys, as specified by the Joint Committee on Finance.

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