

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB592)

Received: 10/28/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Charlie Morgan

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Only nursing home IGT moneys are described; elim. all provisions for after 2004-05; prohibit adding these IGT moneys to base

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 10/28/2003	wjackson 10/29/2003		_____			
/1			rschluet 10/29/2003	_____	Inorthro 10/29/2003	Inorthro 10/29/2003	

FE Sent For:

<END>

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/?	dkennedy	1 Wlj 10/29					

FE Sent For:

10293
<END>

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 10/28/03

CONVERSATION WITH: Charlie Morgan

OF: LFB

TELEPHONE NO:

**REGARDING LRB #
OR DRAFT TOPIC:**

INSTRUCTIONS: Substitute Amendment to AB 592

Combine a 1533/1, a 1526, a 1525 + a 1548
plus Motion # 907



ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 592

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

2 1. Page 4, line 5: delete lines 5 and 6 and substitute "Assistance moneys
3 received, based on the funds of counties, cities, villages, and towns that are
4 transferred to the Medical Assistance trust fund, certified under 42 CFR 433.51 (b),
5 reimbursed under section 20.435 (4) (wp) of the statutes, and used as the nonfederal
6 share of Medical Assistance funding, that were not anticipated and budgeted as
7 revenue under".

8 (END)

Leibham

adopted
13-1-2
14-0-2
15-0-1 (Welch)

MO#	Y	N
Darling	Y	N
Welch	Y	N
Fitzgrid	Y	N
Lazich	Y	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	Y	N
Moore	Y	N
Kaufert	Y	N
Huebsch	Y	N
Ward	Y	N
Stone	Y	N
Rhoades	Y	N
Meyer	Y	N
Coggs	Y	N
Schooff	Y	N

**ASSEMBLY AMENDMENT 2,
TO 2003 ASSEMBLY BILL 592**

October 27, 2003 - Offered by Representative LEMAHIEU.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 3: delete “, less any moneys”.
- 3 **2.** Page 2, line 4: delete “required for payment under par. (wp)”.
- 4 **3.** Page 2, line 5: delete “or” and substitute “to the Medical Assistance trust
- 5 fund,”.
- 6 **4.** Page 2, line 6: after “(b)” insert “, and reimbursed under par. (wp)”.

7

(END)

Kaufert (Darling)

*Adopted
15-0-1*

MO#		
Darling	Y	N
Welch	Y	N
Fitzgrid	Y	N
Lazich	Y	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	Y	N
Moore	Y	N
Kaufert	Y	N
Huebsch	Y	N
Ward	Y	N
Stone	Y	N
Rhoades	Y	N
Meyer	Y	N
Coggs	Y	N
Schooff	Y	N



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1548/1
DAK:kjfrs

ASSEMBLY AMENDMENT ,
TO 2003 ASSEMBLY BILL 592

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 1, line 4: delete "and making an appropriation".
- 3 2. Page 2, line 1: delete the material beginning with that line and ending with
- 4 page 3, line 21.
- 5 3. Page 4, line 8: delete lines 8 to 10.

6 (END)

Leibham

Adopted

MO#		
Darling	Y	N
Welch	Y	N
Fitzgrid	Y	N
Lazich	Y	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	Y	N
Moore	Y	N
Kaufert	Y	N
Huebsch	Y	N
Ward	Y	N
Stone	Y	N
Rhoades	Y	N
Meyer	Y	N
Coggs	Y	N
Schooff	Y	N

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 592**

October 27, 2003 - Offered by Representative LEMAHIEU.

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

2 1. Page 2, line 4: delete "Sheboygan, Rock,".

3 2. Page 2, line 5: delete "and Walworth counties that are together" and
4 substitute "counties, cities, villages, and towns that are".

5 (END)

Kaufert (Darling)
15-0-1 (Welch)

MO#		
Darling	<input checked="" type="checkbox"/>	N
Welch	<input checked="" type="checkbox"/>	N
Fitzgrid	<input checked="" type="checkbox"/>	N
Lazich	<input checked="" type="checkbox"/>	N
Harsdorf	Y	N
Kanavas	Y	N
Decker	<input checked="" type="checkbox"/>	N
Moore	<input checked="" type="checkbox"/>	N
Kaufert	<input checked="" type="checkbox"/>	N
Huebsch	<input checked="" type="checkbox"/>	N
Ward	<input checked="" type="checkbox"/>	N
Stone	<input checked="" type="checkbox"/>	N
Rhoades	<input checked="" type="checkbox"/>	N
Meyer	<input checked="" type="checkbox"/>	N
Coggs	<input checked="" type="checkbox"/>	N
Schoeff	<input checked="" type="checkbox"/>	N

ASSEMBLY AMENDMENT
TO ASSEMBLY BILL 592

Motion:

Move to specify that any supplemental funds provided to county and municipal nursing homes in the 2003-05 biennium as a result of this legislation would not be considered as part of the agency's adjusted base funding level for 2005-06.

Passage Kaufert (Darling)
Passage 15-0-1
(All Amendments)
rolled in to
substitute
Kaufert (Darling)

Unanimous
Consent
adopted
15-0-1

MO#	Response
Darling	Y
Welch	Y
Fitzgrid	Y
Lazich	Y
Harsdorf	Y
Kanavas	Y
Decker	Y
Moore	Y
Kaufert	Y
Huebsch	Y
Ward	Y
Stone	Y
Rhoades	Y
Meyer	Y
Coggs	Y
Schooff	Y
Ziegler	Y
Becker	Y

2003

Date (time) needed

WEDNESDAY 10/29 LRBs 023811

SUBSTITUTE AMENDMENT [TO A BILL]

DAK: Wlj

Use the appropriate components and routines developed for substitute amendments.

LPS: Please Check Auto Ref

3 (A) SUBSTITUTE AMENDMENT

TO 2003 SB (AB) 592 (LBB 212)

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the statutes; relating to:

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2003 ASSEMBLY BILL 592

October 15, 2003 – Introduced by Representatives LEMAHIEU, LOTHIAN, KESTELL, TOWNS, GROTHMAN, POWERS, WIECKERT, GUNDERSON, F. LASEE, JOHNSRUD, LADWIG, VAN ROY, SUDER, GRONEMUS, SCHNEIDER, AINSWORTH, MUSSER, W. WOOD, GOTTLIEB, ZIEGELBAUER, HUNDERTMARK, J. FITZGERALD, MCCORMICK, TOWNSEND, M. LEHMAN, VAN AKKEREN, POCAN, PETROWSKI, SCHOOFF, HAHN and ALBERS, cosponsored by Senators LEIBHAM, WELCH, ZIEN, ROBSON, BROWN, KEDZIE, BRESKE, COWLES, REYNOLDS, STEPP, S. FITZGERALD, SCHULTZ, WIRCH, A. LASEE and ROESSLER. Referred to Joint Committee on Finance.

REGEN

- 1 AN ACT *to amend* 49.45 (6u) (am) (intro.), 49.45 (6u) (am) 4. and 49.45 (6u) (am)
 2 5.; and *to create* 20.435 (4) (wq) of the statutes; **relating to:** supplemental
 3 Medical Assistance payments to county, city, town, or village nursing homes
 4 and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, as affected by 2003 Wisconsin Act 33 (the biennial budget act), the amount of Medical Assistance (MA) moneys that the Department of Health and Family Services (DHFS) may pay, under a formula, as supplements to counties, cities, villages, or towns that operate nursing homes, for reduction of operating deficits of the nursing homes, or may pay to care management organizations, is limited to a total of \$37,100,000 in each fiscal year, beginning July 1, 2003.

Also under current law, the MA trust fund (MATF) is composed of all public funds that are related to MA nursing home payments and are transferred to the MATF as the nonfederal share for the purpose of claiming federal MA moneys (commonly called "intergovernmental transfers"); all of the matching moneys received in return under the federal MA program; and, except for specified amounts, all moneys received from monthly assessments on licensed beds of nursing homes and intermediate care facilities for the mentally retarded. Counties that make intergovernmental transfers for the purpose of claiming federal MA moneys are, in turn, reimbursed by DHFS from the MATF. Remaining amounts in the MATF are expended for numerous purposes related to MA, such as MA benefits, the Badger

↑ cities, ↑ villages, ↑ and towns

ASSEMBLY BILL 592

Care health care program, nursing home rate increases, and supplements to nursing homes operated by counties, cities, villages, or towns to reduce operating deficits.

in support of nursing home payments

This bill requires that, for fiscal years 2003-04 and 2004-05, in addition to the \$37,100,000 MA moneys that DHFS may pay as supplements for nursing homes operated by counties, cities, villages, or towns or as payments to care management organizations, DHFS distribute as nursing home supplements any additional federal MA moneys received as the result of intergovernmental transfers that were not anticipated and budgeted as revenue under the biennial budget act.

INSERT ANAL

Substitute amendment

The bill further provides that, after June 30, 2005, all moneys received as revenues from the transfers by Sheboygan, Rock, and Walworth counties of public funds as the MA nonfederal share for the purpose of claiming federal MA moneys be expended for the reduction of operating deficits of county, city, village, and town nursing homes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.435 (4) (wq) of the statutes is created to read:
2 20.435 (4) (wq) *Medical Assistance trust fund; nursing home supplement.* From
3 the Medical Assistance trust fund, all federal moneys received, less any moneys
4 required for payment under par. (wp), that are based on funds of Sheboygan, Rock,
5 and Walworth counties that are together transferred or certified under 42 CFR
6 433.51 (b) after June 30, 2005, and used as the nonfederal share of Medical
7 Assistance funding, for reduction of operating deficits under s. 49.45 (6u) (am).
8 SECTION 2. 49.45 (6u) (am) (intro.) of the statutes, as affected by 2003 Wisconsin
9 Act 33, is amended to read:
10 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), from the appropriations
11 appropriation accounts under s. 20.435 (4) (o), (w), and (wm), for reduction of
12 operating deficits, as defined under the methodology used by the department in
13 December 2000, incurred by a facility that is established under s. 49.70 (1) or that
14 is owned and operated by a city, village, or town, and as payment to care management

ASSEMBLY BILL 592

1 organizations, the department may not distribute to these facilities and to care
 2 management organizations more than \$37,100,000 in each fiscal year, as determined
 3 by the department. The department shall distribute without limitation, from the
 4 appropriation account under s. 20.435 (4) (wq), moneys for additional reduction of
 5 operating deficits of the facilities specified in this paragraph. The total amount that
 6 a county certifies under this subsection may not exceed 100% of
 7 otherwise-unreimbursed care. In distributing funds under this subsection, the
 8 department shall perform all of the following:

9 **SECTION 3.** 49.45 (6u) (am) 4. of the statutes is amended to read:

10 49.45 (6u) (am) 4. If the federal department of health and human services
 11 approves for state expenditure in a fiscal year amounts under s. 20.435 (4) (o) and
 12 (w) that result in a lesser allocation amount than that allocated under this
 13 paragraph, allocate from those appropriation accounts not more than the lesser
 14 amount so approved by the federal department of health and human services.

15 **SECTION 4.** 49.45 (6u) (am) 5. of the statutes is amended to read:

16 49.45 (6u) (am) 5. If the federal department of health and human services
 17 approves for state expenditure in a fiscal year amounts under s. 20.435 (4) (o) and
 18 (w) that result in a lesser allocation amount than that allocated under this
 19 paragraph, submit a revision of the method developed under subd. 2. for distribution
 20 of those moneys for approval by the joint committee on finance in that state fiscal
 21 year.

22 **SECTION 5. Nonstatutory provisions.**

A.R. ①
f (a)

23 (1) SUPPLEMENTAL PAYMENTS TO NURSING HOMES. Notwithstanding the limitation
 24 under section 49.45 (6u) (am) (intro.) of the statutes on supplemental payments for
 25 reduction of operating deficits incurred by nursing homes owned or operated by

ASSEMBLY BILL 592

1 counties, cities, villages, or towns, in fiscal years 2003-04 and 2004-05, the
 2 department of health and family services shall from the appropriation under section
 3 20.435 (4) (w) of the statutes distribute for this purpose, under criteria specified in
 4 section 49.45 (6u) (am) 1. to 7. of the statutes, any additional federal Medical
 5 Assistance moneys received, based on the ~~transfer or certification of public~~ funds
 6 under 42 CFR 433.51 (b), that were not anticipated and budgeted as revenue under
 7 2003 Wisconsin Act 33.

INSET
4-7

8 ~~SECTION 6. Effective dates. This act takes effect on July 1, 2005, except as~~
 9 follows:

10 (1) ~~SECTION 5 of this act takes effect on the day after publication.~~

11 (END)

reimbursed under section 20.435
 (4)(w) of the statutes, and used
 as the nonfederal share of
 Medical Assistance funding;

of counties, cities, villages, and towns
 that are transferred to the Medical Assistance
 trust fund, certified

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0238/?ins

.....

No ff

substitute amendment

INSERT ANAL

Further, the ~~bill~~ prohibits including any of these additional federal MA moneys, if received, in the base of the relevant DHFS appropriation accounts for the purpose of determining the adjusted base funding level for DHFS for fiscal year 2005-06.

INSERT 4-7

- 1 (b) Any additional federal Medical Assistance moneys received under
2 paragraph (a) ^{A.R. ①} may not be included in the base of an appropriation account under
3 section 20.435 (4) [✓] of the statutes for the purpose of determining the adjusted base
4 funding level for the department of health and family services for fiscal year
5 2005-06.