

**2005 DRAFTING REQUEST**

**Bill**

Received: **01/27/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Kimber (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

MA reimbursement rate for nursing homes; supplementing MA reimbursement for nursing homes

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**Instructions:**

Same as 05-4452/3

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	dkennedy 01/27/2006	kfollett 01/27/2006		_____			S&L
/1			jfrantze 01/27/2006	_____	Inorthro 01/27/2006	Inorthro 01/31/2006	

FE Sent For:

<END>

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/?	dkennedy	1/1/gf 1/27	<i>[Signature]</i> 1/27	<i>[Signature]</i> 1/27			

FE Sent For:

<END>

*Please  
jacket for  
Rep.  
Pettis*

TODAY, if possible

2005 - 2006 LEGISLATURE

D-NOTE

4505/  
LRB-4452/3-  
DAK&RAC:Imk:fg  
stays

# 2005 BILL

Reger

1 AN ACT relating to: increasing the Medical Assistance reimbursement rate for  
2 nursing homes, supplementing the Medical Assistance reimbursement for  
3 nursing homes, and making appropriations.

### *Analysis by the Legislative Reference Bureau*

Under current law, the Department of Health and Family Services (DHFS) administers the Medical Assistance (MA) Program, under which persons with low income and few assets receive health care that is funded jointly by Wisconsin and the federal government.

This bill increases the appropriation of general purpose revenues for MA by \$10,118,000 for fiscal year 2006-07, as a rate reimbursement increase for care provided to MA recipients by nursing homes.

The bill also increases the appropriation of general purpose revenues for MA by \$1,285,400 for fiscal year 2005-06, to provide a one-time supplement to nursing home reimbursement under MA. This supplement must be based on each nursing home's proportionate share of numbers of MA recipient patient days in fiscal year 2004-05. The bill requires DHFS to provide the supplement to nursing homes within ten days after the date that the secretary of health and family services is informed that the federal Centers for Medicare and Medicaid Services have approved Wisconsin's amended state plan for MA, as affected by 2005 Wisconsin Act 25 (the biennial budget act) and this act, but not before that date.

**BILL**

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

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

1           **SECTION 1. Nonstatutory provisions; health and family services.**

2           (1) NURSING HOME REIMBURSEMENT SUPPLEMENT. Within 10 days after the  
3 secretary of health and family services is informed that the federal centers for  
4 medicare and medicaid services have approved the amended state plan of Wisconsin  
5 concerning both changes under section 49.45 (6m) of the statutes, as affected by 2005  
6 Wisconsin Act 25, and changes under SECTION 2 of this act, but not before that date,  
7 the department of health and family services shall provide to facilities the  
8 reimbursement supplement specified in SECTION 2 (2) of this act.

9           **SECTION 2. Appropriation changes; health and family services.**

10          (1) NURSING HOME REIMBURSEMENT RATE INCREASE. In the schedule under section  
11 20.005 (3) of the statutes for the appropriation to the department of health and family  
12 services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2005,  
13 the dollar amount is increased by \$10,118,000 for fiscal year 2006–07 to increase  
14 funding for reimbursement for care provided by facilities, as defined in section 49.45  
15 (6m) (a) 3. of the statutes, for recipients of Medical Assistance.

16          (2) NURSING HOME REIMBURSEMENT SUPPLEMENT. In the schedule under section  
17 20.005 (3) of the statutes for the appropriation to the department of health and family  
18 services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2005,  
19 the dollar amount is increased by \$1,285,400 for fiscal year 2005–06 to provide a  
20 one–time supplement to reimbursement under Medical Assistance for care provided  
21 by facilities, as defined in section 49.45 (6m) (a) 3. of the statutes, based on each

**BILL**

1 facility's proportionate share of numbers of Medical Assistance recipient patient  
2 days in fiscal year 2004–05.

3 (3) EXEMPTION FROM CERTAIN LEGISLATIVE RULES OF PROCEEDINGS. Section 20.003

4 (4) of the statutes does not apply to the actions of the legislature in enacting this act.

5

(END)

D-NOTE

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

LRB-4452/3dn

RAC:lmk:pg

~~January 26, 2006~~ *date*

*m*  
*Stays*

*Representative Pettis:*

To ~~Senator Brown:~~

This bill includes a nonstatutory provision stating that s. 20.003 (4), stats., does not apply to the action of the legislature in enacting the bill. Please note that such a provision is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore such a nonstatutory provision and find that s. 20.003 (4), stats., does in fact govern its actions in enacting the bill.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

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

LRB-4505/1dn  
RAC:lmk:jf

January 27, 2006

To Representative Pettis:

This bill includes a nonstatutory provision stating that s. 20.003 (4), stats., does not apply to the action of the legislature in enacting the bill. Please note that such a provision is not legally enforceable, but rather constitutes a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The Wisconsin Supreme Court has held that the remedy for failing to comply with rules of procedure lies exclusively within the legislative branch. See *State ex rel. LaFollette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while rules of procedure may govern internal legislative procedure, courts will not enforce such rules. Therefore, at most, the nonstatutory provision is included only for the purpose of internal legislative operations, not for the purpose of ensuring the legality of the bill. You should also be aware that the legislature may choose to ignore such a nonstatutory provision and find that s. 20.003 (4), stats., does in fact govern its actions in enacting the bill.

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us



**Northrop, Lori**

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**From:** Liedl, Kimberly  
**Sent:** Tuesday, January 31, 2006 1:58 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 05-4505/1 Topic: MA reimbursement rate for nursing homes;  
supplementing MA reimbursement for nursing homes

Please Jacket LRB 05-4505/1 for the ASSEMBLY.