

**2005 DRAFTING REQUEST**

**Bill**

Received: **09/27/2004**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - long-term care**

Extra Copies: **DAK**

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Milioto, BB0052 -

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**Topic:**

Family Care phase-in of entitlement for non-MA eligible persons

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**Instructions:**

See Attached

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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>
/?				_____			S&L
/1	rryan 09/30/2004	kfollett 09/30/2004	rschluet 09/30/2004	_____	sbasford 09/30/2004		S&L
/2	rryan 10/21/2004	kfollett 10/21/2004	pgreensl 10/22/2004	_____	lnorthro 10/22/2004		

FE Sent For:

<END>

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FE Sent For:		12/10/04 10/21	10/22 pg	<END>			

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/?	rryan	11kjf 9/30	9 30	JK <END>			
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FE Sent For:

Handwritten signatures and dates in the Drafting History table. The 'Reviewed' column contains '11kjf' and '9/30'. The 'Typed' column contains '9' and '30'. The 'Proofed' column contains 'JK' and '<END>'. There are large handwritten loops over the 'Typed' and 'Proofed' columns.

**2005-07 Budget Bill Statutory Language Drafting Request**

- Topic: Family Care Pase-in of Entitlement for Non-MA Eligible Persons
- Tracking Code:
- SBO team: Health and Insurance
- SBO analyst: Steve Milioto
  - Phone: 266-8593
  - Email: [steve.milioto@doa.state.wi.us](mailto:steve.milioto@doa.state.wi.us)
- Agency acronym: DHFS
- Agency number: 435

## Family Care Phase-in of Entitlement for Non-MA Eligible Persons

### Current Language

S.46.286(3)(d) directs the Department to establish no later than January 1, 2006 the Family Care benefit on an entitlement basis for persons who meet the functional criteria for Family Care but are not eligible for Medicaid (MA).

### Proposed Change

Change January 1, 2006 to January 1, 2008.

### Effect of Change

The proposed change will extend the deadline for the establishment of the Family Care benefit on an entitlement basis for non-MA persons who are functionally eligible for Family Care. The new deadline will be January 1, 2008.

### Rationale for the Change

The Department is assuming the same level of non-MA Family Care client enrollment in SFY06 and SFY07 and is therefore not requesting any additional funding for non-MA benefits for the 05-07 biennium. A sum certain amount of funding is budgeted for non-MA Family Care benefits. During the last two biennia, the Department has imposed freezes for periods of time on new non-MA enrollees, as needed, to contain expenditures within the budgeted level. The freeze on non-MA enrollment allows exemptions in certain situations, such as enrollment of individuals awaiting a disability determination at which point they will be Medicaid-eligible; enrollment during the deductible period for individuals who must meet a deductible to be Medicaid-eligible; people with Adult Protective Service needs at the comprehensive level of care; and people already enrolled who lose Medicaid eligibility, if they are at the comprehensive level of care. Due to the uncertainty of non-MA enrollment and potentially large fiscal impact of unanticipated enrollment, the Department is submitting this statutory language change to provide the Department the continued authority to control the enrollment level of non-MA clients during the 05-07 biennium, if fiscal conditions warrant.

**Desired Effective Date:** Upon passage  
**Agency:** DHFS  
**Agency Contact:** Fredi-Ellen Bove  
**Phone:** 266-2907



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-03122

RLR: [Signature]

CPS:  
Fix  
request  
sheet pls.

In 9/30/04

RMR

DOA:.....Milioto, BB0052 - Family Care Phase-in of Entitlement for Non-MA Eligible Persons

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

anal: title: head → HEALTH AND HUMAN SERVICES  
anal: title: sub → OTHER HEALTH AND HUMAN SERVICES

Do Not Gen

1 AN ACT ...; relating to: entitlement to the family care benefit.

*Analysis by the Legislative Reference Bureau*

Currently, DHFS administers Family Care, a pilot program that combines several sources of funding to provide a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age and have a physical disability, a developmental disability, or infirmities of aging to qualify for the family care benefit. In addition, a person must meet both functional and financial eligibility requirements. Currently, the family care benefit is an entitlement for eligible persons who are functionally eligible at the comprehensive level. It is also an entitlement for the following: persons who are functionally eligible at the intermediate level and eligible for the Medical Assistance (MA) program; persons who are functionally eligible at the intermediate level and in need of protective services or protective placement; and certain persons who were receiving long-term care services when the family care benefit was introduced. Current law requires that DHFS make the family care benefit an entitlement for all people who are both functionally and financially eligible for the benefit but are not eligible for MA by January 1, 2006.

This bill delays until January 1, 2008, the requirement for making the family care benefit an entitlement for persons who are not eligible for MA.

X



## Ryan, Robin

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**From:** Milioto, Steve  
**Sent:** Friday, October 08, 2004 9:06 AM  
**To:** Ryan, Robin  
**Subject:** FW: FW: LRB Draft: 05-0312/1 Family Care phase-in of entitlement for non-MA eligible persons



non-ma  
fcstatlang.doc

Hi Robin --

The department made the following suggestion (see attachment) and it is acceptable to us.

By any chance, did Donna Dunkel respond directly to you about the Community Options waiver? Best, Steve

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

**From:** Bove, Fredi-Ellen  
**Sent:** Thursday, October 07, 2004 12:51 PM  
**To:** Milioto, Steve; Schlueter, Ron  
**Cc:** Deignan, Monica; Frye, Judith; Jones, Charles; Wilhelm, Charles; Forsaith, Andrew  
**Subject:** Re: FW: LRB Draft: 05-0312/1 Family Care phase-in of entitlement for non-MA eligible persons

Thank you for the opportunity to review and comment on the LRB draft for the non-MA Family Care item.

The LRB analysis paragraph's description of current eligibility was inaccurate in parts. Attached is a suggested replacement paragraph for the first para. of the analysis to correct the inaccuracies.

Please let me know if you have any questions.

>>> Milioto, Steve 10/04/04 02:35PM >>>

FYI

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

**From:** Schlueter, Ron [mailto:Ron.Schlueter@legis.state.wi.us]  
**Sent:** Thursday, September 30, 2004 2:01 PM  
**To:** Milioto, Steve  
**Cc:** Johnston, James; Hanaman, Cathlene; Haugen, Caroline; Schaeffer, Carole  
**Subject:** LRB Draft: 05-0312/1 Family Care phase-in of entitlement for non-MA eligible persons

Following is the PDF version of draft 05-0312/1.

Currently, DHFS administers Family Care, a pilot-program that combines several sources of funding to provide a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age and have a physical disability, a developmental disability, or infirmities of aging to qualify for the family care benefit. In addition, a person must meet both functional and financial eligibility requirements. Currently, the family care benefit is an entitlement for eligible persons who are eligible for the Medical Assistance (MA) program and functionally eligible at the comprehensive or intermediate level. ~~It is also an entitlement for the following: persons who are functionally eligible at the intermediate level and eligible for the Medical Assistance (MA) program; persons who are functionally eligible at the intermediate level and in need of protective services or protective placement; and certain persons who were receiving long-term care services when the family care benefit was introduced.~~ Current law requires that DHFS, by January 1, 2006, ~~to~~ make the family care benefit an entitlement for all peoplepersons who are not eligible for MA and who are functionally eligible at the comprehensive level or at the intermediate level and in need of protective services or protective placement both functionally and financially eligible for the benefit but are not eligible for MA by January 1, 2006.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0312/1

RLR:kjfa

2

In 10/21/04

RMK

DOA:.....Milioto, BB0052 - Family Care phase-in of entitlement for non-MA eligible persons

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

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HEALTH AND HUMAN SERVICES

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multiple

available in several counties

INS 1

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2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0312/2ins  
RLR:.....

INS 1:

No FF Currently, the family care benefit is an entitlement for persons who are eligible for the Medical Assistance (MA) program and meet the functional eligibility requirements because they are functionally eligible at the comprehensive or intermediate level or, under certain circumstances, because they were receiving long-term care benefits when the family care benefit was introduced. By January 1, 2006, DHFS must extend entitlement to persons who are not MA eligible but who are functionally eligible at the comprehensive level or are in need of protective services or protective placement and functionally eligible at the intermediate level, as well as to certain persons who are not MA eligible but are functionally eligible because they were receiving long-term care benefits when the family care program was introduced.

X



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0312/2

RLR:kjf:pg

DOA:.....Milioto, BB0052 - Family Care phase-in of entitlement for non-MA eligible persons

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

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