

**2005 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-AB296)**

Received: 09/28/2005

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Russell Decker (608) 266-2502

By/Representing: Barb Worcester (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Adtl. Drafters: rchampag

Subject: Health - medical assistance  
State Finance - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Decker@legis.state.wi.us

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Restrictions on ICFMRs and nursing homes and increasing nursing home MA reimbursement; general fund statutory balance

---

**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 09/28/2005	wjackson 09/28/2005		_____			
/1			jfrantze 09/28/2005	_____	sbasford 09/28/2005	sbasford 09/28/2005	

FE Sent For:

<END>

**2005 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-AB296)**

Received: **09/28/2005**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Barb Worcester (aide)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters: **rchampag**

Subject: **Health - medical assistance  
State Finance - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Decker@legis.state.wi.us**

Carbon copy (CC:) to: **robin.ryan@legis.state.wi.us**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Restrictions on ICFMRs and nursing homes and increasing nursing home MA reimbursement; general fund statutory balance

---

**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	1/1 WJ 9/28	<i>[Signature]</i> 9/28	<i>[Signature]</i> 9/28			

FE Sent For:

<END>

## TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE:

9/28/05

CONVERSATION  
WITH:

Baird Worcester

OF:

Sen Decker's office

TELEPHONE NO:

6-2502

REGARDING LRB #  
OR DRAFT TOPIC:

Sub to AB 296.

INSTRUCTIONS:

Include all of AB 296,  
plus SB 343

2005

Date (time) needed

Now

LRBs 0233 / 1

# SUBSTITUTE AMENDMENT [TO A BILL]

DAKE RAC  
WJ  
+KJF

Use the appropriate components and routines developed for substitute amendments.

## S A SUBSTITUTE AMENDMENT

TO 2005 SB AB 296 (LRB )

LPS:  
Please  
check  
ARs.

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 #.

# 2005 ASSEMBLY BILL 296

April 4, 2005 - Introduced by Representatives LEMAHIEU, KESTELL, VOS, OTT, KRAWCZYK, PETTIS, HUNDERTMARK, LOTHIAN, TOWNSEND, KAUFERT, GRONEMUS, GUNDERSON, HAHN, GOTTLIEB, GIELOW, ALBERS, VAN AKKEREN, NISCHKE and FREESE, cosponsored by Senators ROESSLER, GROTHMAN, BROWN, KAPANKE, LAZICH, SCHULTZ and OLSEN. Referred to Committee on Aging and Long-Term Care.

*regenerate*

1 **AN ACT to amend** 46.279 (2) and 46.279 (3) of the statutes; **relating to:**  
2 modifying certain restrictions on admissions to, protective placements in, or  
3 transfers to intermediate care facilities for the mentally retarded and nursing  
4 homes. INSERT 1-4 ✓

### *Analysis by the Legislative Reference Bureau*

Under current law, beginning January 1, 2005, no person may place an individual with a developmental disability (except for an emergency or temporary protective placement) in an intermediate care facility for the mentally retarded (ICFMR), other than a state center for the developmentally disabled, and no such ICFMR may admit such an individual unless, before the placement or admission, a court finds that placement in the ICFMR is the most integrated setting (a setting that enables the individual to interact with persons without developmental disability to the fullest extent possible) that is appropriate to the needs of the individual. Before making this finding, the court must consider a plan for home or community-based, noninstitutional care that a county department of the county of which the individual is a resident must develop under certain time limitations. In a particular county that meets certain requirements, the Department of Health and Family Services (DHFS) must contract with an agency to develop the plan. In addition, if DHFS or an entity determines from a preadmission screening that an individual requires active treatment for developmental disability, no person may place the individual in a nursing home, and no nursing home may admit such an

**ASSEMBLY BILL 296**

individual, unless the screening indicates that the individual's need for care cannot be fully met in an ICFMR or under a plan for home or community-based care.

The plans required to be developed by county departments initially apply to preadmission screenings performed on May 1, 2005, petitions for protective placement filed on May 1, 2005, transfers of protectively placed persons made on May 1, 2005, annual reviews of protectively placed individuals that are due on May 1, 2005, and extensions of temporary protective placements that occur on April 1, 2005.

Substitute amendment

This bill modifies prohibitions on placement or continued protective placement of an individual with developmental disabilities in an ICFMR and placement of an individual needing active treatment for developmental disabilities in a nursing home, to include, as one of the exceptions for such a placement, a finding that the county of residence of the person to be placed would not reasonably be able to provide community-based care in accordance with the plan within the limits of available state and federal funds and county funds required to be appropriated to match state funds.

INSERT ANAL

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:*

INSERT 2-1

- 1 SECTION 1. 46.279 (2) of the statutes is amended to read:
- 2 46.279 (2) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE FACILITIES. Except as
- 3 provided in sub. (5), no person may protectively place or continue protective
- 4 placement of an individual with a developmental disability in an intermediate
- 5 facility and no intermediate facility may admit or continue service for such an
- 6 individual unless, before the protective placement, continued placement following
- 7 review under s. 55.06 (10), or admission and after having considered a plan
- 8 developed under sub. (4), a court under s. 55.06 (9) (a) or (10) (a) 2. finds that
- 9 protective placement in the intermediate facility is the most integrated setting that
- 10 is appropriate to the needs of the individual or that the county of residence of the
- 11 individual would not reasonably be able to provide community-based care in
- 12 accordance with the plan within the limits of available state and federal funds and
- 13 county funds required to be appropriated to match state funds, taking into account

**ASSEMBLY BILL 296**

1 information presented by all affected parties. An intermediate facility to which an  
2 individual who has a developmental disability applies for admission shall, within 5  
3 days after receiving the application, notify the county department that is  
4 participating in the program under s. 46.278 of the county of residence of the  
5 individual who is seeking admission concerning the application.

6 **SECTION 2.** 46.279 (3) of the statutes is amended to read:

7 46.279 (3) PLACEMENTS AND ADMISSIONS TO NURSING FACILITIES. Except as  
8 provided in sub. (5), if the department or an entity determines from a screening  
9 under s. 49.45 (6c) (b) that an individual requires active treatment for developmental  
10 disability, no individual may be protectively placed in a nursing facility or have  
11 protective placement in a nursing facility continued following review under s. 55.06  
12 (10), and no nursing facility may admit or continue service for the individual, unless  
13 it is determined from the department or entity that conducts the screening  
14 determines that the individual's need for care cannot fully be met in an intermediate  
15 facility or under a plan under sub. (4) or that the county of residence of the individual  
16 would not reasonably be able to provide community-based care in accordance with  
17 the plan within the limits of available state and federal funds and county funds  
18 required to be appropriated to match state funds.

19

(END)

INSERT 3-18 ✓

# 2005 SENATE BILL 343

September 20, 2005 - Introduced by Senators JAUCH, HANSEN, ROBSON, TAYLOR, MILLER, LASSA, ERPENBACH and WIRCH, cosponsored by Representatives SHERMAN, CULLEN, KREUSER, POPE-ROBERTS, ZEPNICK, BLACK, SINICKI, NELSON, VAN AKKEREN, YOUNG, TURNER, BOYLE, SHERIDAN, SEIDEL, BERCEAU, GRIGSBY, HEBL, POCAN, TRAVIS, MOLEPSKE, KESSLER, BENEDICT, STASKUNAS, STEINBRINK, RICHARDS, HUBLER, SHILLING, SCHNEIDER, LEHMAN, PARISI, VRUWINK, FIELDS, GRONEMUS, TOLES, COLON and WASSERMAN. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 ~~AN ACT to amend 20.003 (4) (fm) and 20.003 (4) (fr) of the statutes, relating to:~~

INSERT  
1-4

2 required general fund statutory balance, required general fund structural  
3 balance, increasing nursing home Medical Assistance reimbursement, and  
4 making appropriations.

### *Analysis by the Legislative Reference Bureau*

Substitute  
amendment

INSERT  
ANAL

Under current law, nursing homes that provide services to recipients of Medical Assistance (MA) receive reimbursement, under a formula, from state general purpose revenues, certain program revenues, the MA trust fund, and federal Medicaid moneys. This ~~bill~~ increases the state general purpose revenue appropriation by \$5,141,700 for fiscal year 2005-06 and by \$10,118,000 for fiscal year 2006-07 to provide a 1.4 percent increase in each fiscal year to the nursing home MA reimbursement rate. Under the ~~bill~~, nursing homes that receive the additional reimbursement must expend at least 50 percent of the amount received for increased payment for direct care wages, fringe benefits, or hours for nursing home staff.

Current statutes contain a rule of proceeding governing legislative action on certain bills. Generally, the rule provides that no bill directly or indirectly affecting general purpose revenues may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be less than a certain amount of the total general purpose revenue appropriations for that fiscal year. For fiscal years 2005-06 and 2006-07, the amount is \$65,000,000. This ~~bill~~ reduces the amount for the 2005-06 fiscal year to \$60,000,000 and the amount for the 2006-07 fiscal year to \$50,000,000.

Substitute  
amendment



**SENATE BILL 343**

Current statutes also contain a rule of proceeding that generally prohibits the legislature from passing bills that would cause general fund expenditures in a given fiscal year to exceed moneys deposited in the general fund in that year. This bill provides that this rule does not apply to the actions of the legislature in enacting this act for the 2006-07 fiscal year.

Substitute Amendment

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:*

INSERT ANAL (cont.)

INSERT 2-1

1 SECTION ~~2~~ 20.003 (4) (fm) of the statutes, as affected by 2005 Wisconsin Act  
2 25, is amended to read:

3 20.003 (4) (fm) For fiscal year 2005-06, ~~\$65,000,000~~ \$60,000,000.

4 SECTION ~~2~~ 20.003 (4) (fr) of the statutes, as created by 2005 Wisconsin Act 25,  
5 is amended to read:

6 20.003 (4) (fr) For fiscal year 2006-07, ~~\$65,000,000~~ \$50,000,000.

7 SECTION ~~3~~ **Nonstatutory provisions.**

8 (1) REQUIRED GENERAL FUND STRUCTURAL BALANCE. Section 20.003 (4m) of the  
9 statutes shall not apply to the actions of the legislature in enacting this act for the  
10 2006-07 fiscal year.

11 (2) FACILITY REIMBURSEMENT SUPPLEMENT; REQUIRED EXPENDITURE. Each facility  
12 that receives increased reimbursement from the amounts appropriated under  
13 SECTION 4 (1) of 2005 Wisconsin Act ~~...~~ <sup>ARA, ARB</sup> ~~(this act)~~ <sup>this act</sup> shall expend, from the amount  
14 received, at least 50 percent for increased payment for direct care wages, fringe  
15 benefits, or hours for facility staff.

16 SECTION ~~4~~ **Appropriation changes.**

17 <sup>ARB</sup> (1) NURSING HOME MEDICAL ASSISTANCE REIMBURSEMENT RATE. In the schedule  
18 under section 20.005 (3) of the statutes for the appropriation to the department of

INSERT 3-18

**SENATE BILL 343**

1 health and family services under section 20.435 (4) (b) of the statutes, as affected by  
2 the acts of 2005, the dollar amount is increased by \$5,141,700 for fiscal year 2005-06  
3 and the dollar amount is increased by \$10,118,000 for fiscal year 2006-07 to increase  
4 funding for Medical Assistance reimbursement to facilities under section 49.45 (6m)  
5 of the statutes.

6 (END)

INSERT 3-18  
(cont.)