

2005 Assembly Bill 802

Date of enactment: **February 7, 2006**  
Date of publication\*: **February 21, 2006**

## 2005 WISCONSIN ACT 107

AN ACT *to amend* 20.435 (4) (wm), 49.45 (6m) (ag) (intro.) and 49.45 (6u) (am) (intro.); and *to create* 49.45 (6u) (b) of the statutes; **relating to:** supplemental Medical Assistance payments to county and municipal nursing homes and making an appropriation.

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

**SECTION 1.** 20.435 (4) (wm) of the statutes is amended to read:

20.435 (4) (wm) *Medical assistance trust fund; nursing homes.* From the medical assistance trust fund, the amounts appropriated for meeting medical assistance reimbursement under s. 49.45 (6m) and (6u) a sum sufficient to equal the amount of federal medical assistance moneys received as matching funds to operating deficits incurred by nursing homes owned or operated by counties, cities, villages, or towns that was not anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which it is received, for the purpose of disbursing to nursing homes under s. 49.45 (6u) (b).

**SECTION 2.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this subsection made under s. 20.435 (4) (b), (gp), (pa), (o), or (w), ~~or (wm)~~ shall, except as provided in pars. (bg), (bm), and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement standards that are necessary and proper for providing patient care and that meet quality and safety standards

established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

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

49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), from the appropriations under s. 20.435 (4) (o), and (w); ~~and (wm)~~, for reduction of operating deficits, as defined under the methodology used by the department in December 2000, incurred by a facility that is established under s. 49.70 (1) or that is owned and operated by a city, village, or town, and as payment to care management organizations, the department may not distribute to these facilities and to care management organizations more than \$37,100,000 in each fiscal year, as determined by the department. The total amount that a county certifies under this subsection may not exceed 100% of otherwise-unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

**SECTION 4.** 49.45 (6u) (b) of the statutes is created to read:

49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the department shall, using the criteria specified in par. (am) 1. to 7., disburse any federal medical assistance funds that are

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\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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received by the state as matching funds to operating deficits incurred by a facility that is operated by a county, city, village, or town and that are in excess of the amount of

match anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which the funds are received.

