

ASSEMBLY BILL 802 (LRB -3832)

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. (FE)

2005

- 01-19. A. Introduced by Representatives **LeMahieu, Kestell, Gunderson, Lehman, Ott, Mursau, Gronemus, Musser, J. Fitzgerald, Huebsch, M. Williams, Lothian, Sheridan, Van Akkeren, Kaufert, Stone, Ziegelbauer, Turner, Jeskewitz, Davis, Suder, McCormick, Towns, Vos, Hahn, Owens, Nass, Kerkman, Hines, Krawczyk, Van Roy, Strachota, Schneider, Hundertmark, Underheim, Petrowski, Loeffelholz, Seidel, Townsend, Bies, Vruwink, Molepske** and **F. Lasee**; cosponsored by Senators **Leibham, Grothman, Schultz, Roessler, A. Lasee, Kedzie, Brown, Erpenbach, Robson, Darling, Wirch, Decker** and **Hansen**.
- 11-01. A. Read first time and referred to joint committee on Finance 563
- 11-10. A. Assembly amendment 1 offered by Representative Rhoades (**LRB a1269**) 605
- 11-15. A. Fiscal estimate received.
- 11-28. A. Fiscal estimate received.
- 11-30. A. Executive action taken.
- 12-05. A. Report passage recommended by joint committee on Finance, Ayes 14, Noes 1 639
- 12-05. A. Referred to committee on Rules 639
- 12-06. A. Placed on calendar 12-13-2005 by committee on Rules.
- 12-06. A. Made a special order of business at 9:11 A.M. on 12-13-2005 pursuant to Assembly Resolution 43 653
- 12-13. A. Read a second time 669
- 12-13. A. Ordered to a third reading 669
- 12-13. A. Rules suspended 669
- 12-13. A. Read a third time and **passed**, Ayes 97, Noes 0 670
- 12-13. A. Ordered immediately messaged 670
- 12-15. S. Received from Assembly 500
- 12-15. S. Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care 500

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- 01-12. S. Public hearing held.
- 01-18. S. Executive action taken.
- 01-18. S. Report concurrence recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 5, Noes 0.
- 01-18. S. Available for scheduling.
- 01-18. S. Placed on calendar 1-19-2006 by committee on Senate Organization.
- 01-19. S. Read a second time.
- 01-19. S. Ordered to a third reading.
- 01-19. S. Rules suspended.
- 01-19. S. Read a third time and **concurred in**, Ayes 33, Noes 0.
- 01-19. S. Senator Lassa added as a cosponsor.
- 01-19. S. Senator Zien added as a cosponsor.
- 01-19. S. Ordered immediately messaged.
- 01-19. A. Received from Senate concurred in.

**2005
ENROLLED BILL**

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ADOPTED DOCUMENTS:

Orig Engr SubAmdt

05 - 38321 1

Amendments to above (if none, write "NONE"): NONE

Corrections - show date (if none, write "NONE"): NONE

Topic use relating clause

 1-20-06
Date

 JRMiller
Enrolling Drafter

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2005 ASSEMBLY BILL 802

November 1, 2005 – Introduced by Representatives LEMAHIEU, KESTELL, GUNDERSON, LEHMAN, OTT, MURSAU, GRONEMUS, MUSSER, J. FITZGERALD, HUEBSCH, M. WILLIAMS, LOTHIAN, SHERIDAN, VAN AKKEREN, KAUFERT, STONE, ZIEGELBAUER, TURNER, JESKEWITZ, DAVIS, SUDER, MCCORMICK, TOWNS, VOS, HAHN, OWENS, NASS, KERKMAN, HINES, KRAWCZYK, VAN ROY, STRACHOTA, SCHNEIDER, HUNDERTMARK, UNDERHEIM, PETROWSKI, LOEFFELHOLZ, SEIDEL, TOWNSEND, BIES, VRUWINK, MOLEPSKE and F. LASEE, cosponsored by Senators LEIBHAM, GROTHMAN, SCHULTZ, ROESSLER, A. LASEE, KEDZIE, BROWN, ERPENBACH, ROBSON, DARLING, WIRCH, DECKER and HANSEN. Referred to Joint Committee on Finance.

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

Analysis by the Legislative Reference Bureau

Currently, under the Medical Assistance (MA) program, the state pays nursing homes a daily rate for providing care for MA recipients. In addition, the state claims federal MA moneys on county and municipal nursing home operating deficits (the difference between the cost of operating the homes and the state reimbursement) and provides county and municipal nursing homes a supplemental payment from the federal moneys received. Under current law, total supplemental payments to county and municipal nursing homes may not exceed \$37.1 million a year.

This bill provides that if the state receives more federal MA moneys as matching funds to county and municipal nursing home operating deficits than anticipated and budgeted as revenue in the biennial budget act for the year in which the money is received, the state must disburse the additional moneys to county and municipal nursing homes.

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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) (wm) of the statutes is amended to read:

2 20.435 (4) (wm) *Medical assistance trust fund; nursing homes.* From the
3 medical assistance trust fund, ~~the amounts appropriated for meeting medical~~
4 ~~assistance reimbursement under s. 49.45 (6m) and (6u) a sum sufficient to equal the~~
5 amount of federal medical assistance moneys received as matching funds to
6 operating deficits incurred by nursing homes owned or operated by counties, cities,
7 villages, or towns that was not anticipated and budgeted as revenue in the biennial
8 budget act for the fiscal year in which it is received, for the purpose of disbursing to
9 nursing homes under s. 49.45 (6u) (b).

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

11 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
12 subsection made under s. 20.435 (4) (b), (gp), (pa), (o), or (w), ~~or~~ (wm) shall, except
13 as provided in pars. (bg), (bm), and (br), be determined according to a prospective
14 payment system updated annually by the department. The payment system shall
15 implement standards that are necessary and proper for providing patient care and
16 that meet quality and safety standards established under subch. II of ch. 50 and ch.
17 150. The payment system shall reflect all of the following:

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

19 49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), from the appropriations
20 under s. 20.435 (4) (o), and (w), ~~and~~ (wm), for reduction of operating deficits, as
21 defined under the methodology used by the department in December 2000, incurred

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1 by a facility that is established under s. 49.70 (1) or that is owned and operated by
2 a city, village, or town, and as payment to care management organizations, the
3 department may not distribute to these facilities and to care management
4 organizations more than \$37,100,000 in each fiscal year, as determined by the
5 department. The total amount that a county certifies under this subsection may not
6 exceed 100% of otherwise-unreimbursed care. In distributing funds under this
7 subsection, the department shall perform all of the following:

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

9 49.45 (6u) (b) Notwithstanding the limitation on the amount of disbursements
10 under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the
11 department shall, using the criteria specified in par. (am) 1. to 7., disburse any
12 federal medical assistance funds that are received by the state as matching funds to
13 operating deficits incurred by a facility that is operated by a county, city, village, or
14 town and that are in excess of the amount of match anticipated and budgeted as
15 revenue in the biennial budget act for the fiscal year in which the funds are received.

16 (END)