

2005 DRAFTING REQUEST

Bill

Received: 10/11/2005

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Daniel LeMahieu (608) 266-9175

By/Representing: Jeff

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: DAK

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Disburse additional federal Medical Assistance match on county and municipal nursing home operating deficits to nursing homes

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>
/?				_____			S&L
/1	rryan 10/13/2005	kfollett 10/13/2005	pgreensl 10/13/2005	_____	sbasford 10/13/2005	lnorthro 10/19/2005	

FE Sent For:

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/?	rryan	11/13 gf 10/13	19/13 pv	12/13 mola			S&L

FE Sent For:

<END>

Jeff, Lemahien's office

10/11/05

Wants bill similar to 2003 Act 100
 Provide that if state earns additional
 federal match on nursing home expenditures
 - above amount budgeted - state
 must pay additional amount to
 county and municipal nursing homes.

DHFS may have underbudgeted by
 9 mil.

Prefers to make provision ongoing

may work with Charlie at Fiscal
 Bureau.

charlie (LFB) 10/12

DHFS didn't like that Act 100 didn't
 appropriate additional federal money
 - so add approp in bill.

Richard Meena at DHFS says
 20.435 (4) (wm) obsolete - so can use
 this appropriation.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3832/3

RLR: kja

Wanted Today

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

1 AN ACT ^{Gen Cat}...; relating to: supplemental Medical Assistance payments to county
2 and municipal nursing homes and 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} the 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 monies received. Under current law, total supplemental payments to county and municipal nursing homes may not exceed \$37.1 million a year.

^{to} This bill provides that if the state receives more federal MA moneys as match ^{ing funds} on 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.

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:

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

1 20.435 (4) (wm) *Medical assistance trust fund; nursing homes.* From the
 2 medical assistance trust fund, ~~the amounts appropriated for meeting medical~~
 3 ~~assistance reimbursement under s. 49.45 (6m) and (6u) a sum sufficient to equal the~~
 4 amount of federal medical assistance moneys received as ~~match on~~ operating deficits
 5 incurred by nursing homes owned or operated by counties, cities, villages, or towns
 6 that was not anticipated and budgeted as revenue in the biennial budget act for the
 7 fiscal year in which it is received, for the purpose of disbursing to nursing homes
 8 under s. 49.45 (6u) (b).

matching
funds
to

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 15, 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510.

9
 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:

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510.

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

1 defined under the methodology used by the department in December 2000, incurred
2 by a facility that is established under s. 49.70 (1) or that is owned and operated by
3 a city, village, or town, and as payment to care management organizations, the
4 department may not distribute to these facilities and to care management
5 organizations more than \$37,100,000 in each fiscal year, as determined by the
6 department. The total amount that a county certifies under this subsection may not
7 exceed 100% of otherwise-unreimbursed care. In distributing funds under this
8 subsection, the department shall perform all of the following:

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510.

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

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

17 (END)

Northrop, Lori

From: Grothman, Jeffrey
Sent: Wednesday, October 19, 2005 12:34 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3832/1 Topic: Disburse additional federal Medical Assistance match on county and municipal nursing home operating deficits to nursing homes

It has been requested by <Grothman, Jeffrey> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3832/1 Topic: Disburse additional federal Medical Assistance match on county and municipal nursing home operating deficits to nursing homes