

**2005 DRAFTING REQUEST**

**Bill**

Received: **01/31/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing: **Jennifer Segall**

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

Drafter: **dkennedy**

May Contact: **DOA**

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Family Care expansion

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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>
/?	dkennedy 02/23/2006	lkunkel 02/23/2006		_____			S&L
/1			rschluet 02/24/2006	_____	mbarman 02/24/2006	mbarman 02/28/2006	

FE Sent For:

↳ **At Intro.**

<END>

see attached

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/?

dkennedy

1/mk 3/23

2246

<END>

FE Sent For:

## Kennedy, Debora

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**From:** Stegall, Jennifer  
**Sent:** Monday, January 30, 2006 2:47 PM  
**To:** Kennedy, Debora  
**Cc:** Plona, Katie - Office of Governor Jim Doyle; Johnston, James  
**Subject:** Drafting request

**Attachments:** Family Care drafting instructions.doc; Stegall, Jennifer.vcf



Family Care  
drafting instructi...

Hi Debora,

Sen. Roessler would like a draft prepared relating to expansion of the Family Care program. I have attached detailed drafting instructions. It is my understanding that Jim Johnston at DOA provided the same drafting instructions to you. I know you need Jim to call you to give permission before you can draft this for Senator Roessler. He is out of the office today but should return tomorrow. I will let him know I have made the request and ask him to also follow up with you so that we can move forward.

Thanks,

**Jennifer Stegall**  
**Office of Senator Carol Roessler**  
**608-266-5300/1-888-736-8720**  
**Jennifer.Stegall@legis.state.wi.us**



Stegall,  
Jennifer.vcf (4 KB)



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**JIM DOYLE**  
GOVERNOR

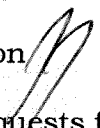
**STEPHEN E. BABLITCH**  
SECRETARY

Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

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**Date:** January 26, 2006

**To:** Steve Miller  
Director, Legislative Reference Bureau

**From:** Jim Johnston 

**Subject:** Drafting Requests for the Governor's State of the State Health Care Initiatives

Attached are three drafting requests related to the health care initiatives the Governor announced during his state of the State address. The specific requests are for:

**Family Care Expansion** – Delete the current statutory cap on the percentage of the population eligible for Family Care coverage and modify legislative oversight of the expansion effort.

**Penalty for Large Employers Dumping Health Care Benefits** – Create a civil forfeiture for large employers who deliberately take action to reduce health care benefits with the intent of dumping employees onto the State's BadgerCare program.

**Catastrophic Coverage Reinsurance Pool** – Create a new authority to study options for developing a reinsurance pool to help employers and individuals control health care costs. The authority will also implement the reinsurance program.

We will notify you soon regarding legislative sponsors for these initiatives and plan to get these bills introduced shortly.

cc: David Schmiedicke  
Tim Casper, Governor's Office

**Family Care Changes**  
**State of the State Initiative**

**Current Language**

S. 46.281

**Proposed Change**

- (1) Delete s. 46.281 (1) (d).
- (2) Remove the date reference under s. 46.281 (1) (e).
- (3) Delete the language under s. 46.281 (1) (e) 1. referring to legislative authorization and legislative appropriation of funds and replace it with language requiring the Department of Health and Family Services to submit new Care Maintenance Organizations to the Joint Committee on Finance under a 14-day passive review process.

**Effect of the Change**

The intent of the draft is to give the department greater flexibility in expanding the Family Care program throughout the state.

**Rationale for the Change**

The current statutory language limits the ability of DHFS to expand the Family Care. Making the suggested changes will enable the department to expand Family Care, with oversight by the Joint Committee on Finance.

<b>Desired Effective Date:</b>	Upon Passage
<b>Agency:</b>	DOA
<b>Agency Contact:</b>	Steve Milioto 266-8593, or Jim Johnston, 266-3420

FRIDAY

2005 - 2006 LEGISLATURE

4522/1  
LRB-4521/2  
DAK:lmk:je  
↑  
STAYS

2005 BILL

no changes

ReCom

1 **AN ACT to repeal** 46.281 (1) (d) (intro.), 46.281 (1) (d) 1. and 46.281 (1) (e) (intro.);  
 2 **to renumber and amend** 46.281 (1) (d) 2.; and **to amend** 46.27 (4) (c) 8., 46.27  
 3 (5) (am), 46.27 (6) (a) 3., 46.27 (6g) (intro.), 46.27 (9) (c), 46.281 (1) (e) 1., 46.281  
 4 (1) (e) 2., 46.282 (2) (a) (intro.), 46.283 (2) (b) (intro.), 46.285 (1) (a) and 49.45  
 5 (3) (ag) of the statutes; **relating to:** contracts with entities to operate resource  
 6 centers and care management organizations under the Family Care Program.

***Analysis by the Legislative Reference Bureau***

Currently, the Department of Health and Family Services (DHFS) administers Family Care, a program that provides in certain areas a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age, meet functional and financial eligibility requirements, and have a physical disability, a developmental disability, or infirmities of aging to qualify for the family care benefit.

Under current law, before July 1, 2001, DHFS was required to establish in certain geographical areas pilot projects under which DHFS contracted with counties, family care districts, federally recognized American Indian tribes or bands, or the Great Lakes Inter-Tribal Council, Inc., to operate resource centers (organizations that provide information and referral services and determine financial and functional eligibility of prospective enrollees) or care management organizations (organizations that assess enrollees' service needs, develop comprehensive care plans for each enrollee, and provide or contract for provision of

**BILL**

necessary services), or both. After June 30, 2001, if the local long-term care council for an applicable area had developed a required initial plan, and if authorized and funded by the legislature, DHFS was required to contract with one or more entities in addition to those under pilot projects, for services of a resource center or care management organization; however, as affected by 2005 Wisconsin Act 25 (the biennial budget act), any prospective additional contract with an entity to operate a resource center requires advance approval by the Joint Committee on Finance, on a passive review basis.

This bill eliminates the requirements for establishing Family Care pilot projects before July 1, 2001, and integrates requirements for those pilot projects with current requirements for contracts with resource centers and care management organizations. The bill specifies that DHFS may contract with a county, a family care district, a tribe or band, the Great Lakes Inter-Tribal Council, Inc., or two or more of these entities to administer the family care benefit as care management organizations or resource centers. Lastly, the bill authorizes DHFS to contract to administer care management organizations in geographic areas in which more than 29 percent of the population that is eligible for the family care benefit reside, if such a proposed contract receives advance approval from the Joint Committee on Finance, under a passive review process.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 46.27 (4) (c) 8. of the statutes is amended to read:

2           46.27 (4) (c) 8. If a pilot project contract with an entity under s. 46.281 (1) (d)  
3           (e) 1. is established in the county, a description of how the activities of the pilot project  
4           entity relate to and are coordinated with the county's proposed program.

5           **SECTION 2.** 46.27 (5) (am) of the statutes is amended to read:

6           46.27 (5) (am) Organize assessment activities specified in sub. (6). The county  
7           department or aging unit shall utilize persons for each assessment who can  
8           determine the needs of the person being assessed and who know the availability  
9           within the county of services alternative to placement in a nursing home. If any  
10          hospital patient is referred to a nursing home for admission, these persons shall work  
11          with the hospital discharge planner in performing the activities specified in sub. (6).



**BILL**

1 The county department or aging unit shall coordinate the involvement of  
2 representatives from the county departments under ss. 46.215, 46.22, 51.42 and  
3 51.437, health service providers and the county commission on aging in the  
4 assessment activities specified in sub. (6), as well as the person being assessed and  
5 members of the person's family or the person's guardian. This paragraph does not  
6 apply to a county department or aging unit in a county ~~where a pilot project in which~~  
7 the department has contracted with an entity under s. 46.281 (1) ~~(d)~~ is established  
8 (e) 1.

9 **SECTION 3.** 46.27 (6) (a) 3. of the statutes is amended to read:

10 46.27 (6) (a) 3. In each participating county, except in counties ~~where a pilot~~  
11 project in which the department has contracted with an entity under s. 46.281 (1) ~~(d)~~  
12 is established (e) 1., assessments shall be conducted for those persons and in  
13 accordance with the procedures described in the county's community options plan.  
14 The county may elect to establish assessment priorities for persons in target groups  
15 identified by the county in its plan regarding gradual implementation. If a person  
16 who is already admitted to a nursing home requests an assessment and if funds  
17 allocated for assessments under sub. (7) (am) are available, the county shall conduct  
18 the assessment.

19 **SECTION 4.** 46.27 (6g) (intro.) of the statutes is amended to read:

20 46.27 (6g) FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and  
21 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an  
22 assessment, unless the assessment is performed by an entity under a contract as  
23 specified under s. 46.281 (1) ~~(d)~~ (e) 1., case plan, or services provided to a person  
24 under this section is as follows:

25 **SECTION 5.** 46.27 (9) (c) of the statutes is amended to read:

**BILL**

1           46.27 (9) (c) All long-term community support services provided under this  
2 pilot project in lieu of nursing home care shall be consistent with those services  
3 described in the participating county's community options plan under sub. (4) (c) 1.  
4 and provided under sub. (5) (b). Unless the department has contracted under s.  
5 46.281 (1) (d) (e) 1. with an entity other than the county department, each county  
6 participating in the pilot project shall assess persons under sub. (6).

7           **SECTION 6.** 46.281 (1) (d) (intro.) of the statutes is repealed.

8           **SECTION 7.** 46.281 (1) (d) 1. of the statutes is repealed.

9           **SECTION 8.** 46.281 (1) (d) 2. of the statutes is renumbered 46.281 (1) (d) and  
10 amended to read:

11           46.281 (1) (d) In geographic areas in which resides no more than ~~29%~~ 29  
12 percent of the population that is eligible for the family care benefit, contract with  
13 ~~counties or tribes or bands under a pilot project to demonstrate the ability of counties~~  
14 ~~or tribes or bands~~ a county, a family care district, a tribe or band, the Great Lakes  
15 Inter-Tribal Council, Inc., or with 2 or more of these entities to manage all long-term  
16 care programs and administer the family care benefit as care management  
17 organizations. If the department proposes to contract with these entities to  
18 administer care management organizations in geographic areas in which resides  
19 more than 29 percent of the population that is eligible for the family care benefit, the  
20 department shall first notify the joint committee on finance in writing of the  
21 proposed contract. If the cochairpersons of the committee do not notify the  
22 department within 14 working days after the date of the department's notification  
23 that the committee has scheduled a meeting for the purpose of reviewing the  
24 proposed contract, the department may enter into the proposed contract. If within  
25 14 days after the date of the department's notification the cochairpersons of the

**BILL**

1 committee notify the department that the committee has scheduled a meeting for the  
2 purpose of reviewing the proposed contract, the department may enter into the  
3 proposed contract only upon approval of the committee.

4 **SECTION 9.** 46.281 (1) (e) (intro.) of the statutes, as affected by 2005 Wisconsin  
5 Act 25, is repealed.

6 **SECTION 10.** 46.281 (1) (e) 1. of the statutes, as affected by 2005 Wisconsin Act  
7 25, is amended to read:

8 46.281 (1) (e) 1. If the local long-term care council for the applicable area has  
9 developed the initial plan under s. 46.282 (3) (a) 1., contract with entities specified  
10 under par. (d) and may, only if specifically authorized by the legislature and if the  
11 legislature appropriates necessary funding, contract as so authorized with one or  
12 more entities in addition to those specified in par. (d) certified as meeting  
13 requirements under s. 46.284 (3) for services of the entity as a care management  
14 organization.

15 **SECTION 11.** 46.281 (1) (e) 2. of the statutes, as created by 2005 Wisconsin Act  
16 25, is amended to read:

17 46.281 (1) (e) 2. Contract with entities specified under par. (d) and may contract  
18 with other entities for the provision of services under s. 46.283 (3) and (4), except that  
19 after July 27, 2005, the department shall notify the joint committee on finance in  
20 writing of any proposed contract with an entity that did not have a contract to provide  
21 services under s. 46.283 (3) and (4) before July 27, 2005. If the cochairpersons of the  
22 committee do not notify the department within 14 working days after the date of the  
23 department's notification that the committee has scheduled a meeting for the  
24 purpose of reviewing the proposed contract, the department may enter into the  
25 proposed contract. If within 14 working days after the date of the department's

**BILL**

1 notification the cochairpersons of the committee notify the department that the  
2 committee has scheduled a meeting for the purpose of reviewing the proposed  
3 contract, the department may enter into the proposed contract only upon approval  
4 of the committee.

5 **SECTION 12.** 46.282 (2) (a) (intro.) of the statutes is amended to read:

6 46.282 (2) (a) *Appointment by a county.* (intro.) In a county ~~that participates~~  
7 ~~in a pilot project in which the department has a contract~~ under s. 46.281 (1) (d) (e)  
8 and before a county participates in the program under ss. 46.2805 to 46.2895, the  
9 following shall be done:

10 **SECTION 13.** 46.283 (2) (b) (intro.) of the statutes, as affected by 2005 Wisconsin  
11 Act 25, is amended to read:

12 46.283 (2) (b) (intro.) After June 30, 2001, the department ~~shall contract with~~  
13 ~~the entities specified under s. 46.281 (1) (d) 1. and may, if the applicable review~~  
14 ~~conditions under s. 48.281 (1) (e) 2. s. 46.281 (1) (e) 2. are satisfied, in addition to~~  
15 ~~contracting with these entities,~~ contract to operate a resource center with counties,  
16 family care districts, or the governing body of a tribe or band or the Great Lakes  
17 Inter-Tribal Council, Inc., under a joint application of any of these, or with a private  
18 nonprofit organization if the department determines that the organization has no  
19 significant connection to an entity that operates a care management organization  
20 and if any of the following applies:

21 **SECTION 14.** 46.285 (1) (a) of the statutes is amended to read:

22 46.285 (1) (a) For ~~a pilot project established~~ an entity with which the  
23 department has contracted under s. 46.281 (1) (d) 2. (e) 1., provision of the services  
24 specified under s. 46.283 (3) (b), (e), (f) and (g) shall be structurally separate from the  
25 provision of services of the care management organization by January 1, 2001.



**Barman, Mike**

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**From:** Stegall, Jennifer  
**Sent:** Tuesday, February 28, 2006 5:02 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 05-4522/1 Topic: Family Care expansion

Please Jacket LRB 05-4522/1 for the SENATE.