

2007 DRAFTING REQUEST

Bill

Received: 09/13/2006

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Trisha Schmid

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.wisconsin.gov

Carbon copy (CC:) to: robin.ryan@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Transfer of funds from MA to COP

Instructions:

See Attached; same as 2005 AB 823

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 09/13/2006	jdyer 09/19/2006		_____			S&L
/1			rschluet 09/19/2006	_____	lparisi 09/19/2006		S&L
/2	dkennedy 02/04/2008	jdyer 02/05/2008	rschluet 02/05/2008	_____	cduerst 02/05/2008	mbarman 02/07/2008	

FE Sent For:

at intro
3/11

<END>

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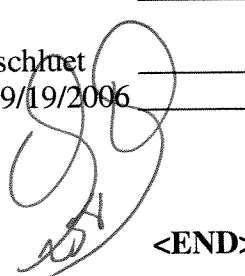
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/1		<i>2 3/4 jd</i>	rschl 09/19/2006			lparisi 09/19/2006	

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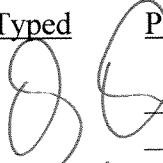
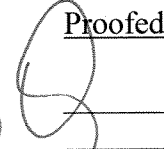
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/?	dkennedy	1 9/19/06					

FE Sent For:

<END>

Kennedy, Debora

From: Kennedy, Debora
Sent: Wednesday, September 13, 2006 1:28 PM
To: Schmid, Trisha
Subject: RE: Drafting request for Rep. Black

Thanks, Trisha.

From: Schmid, Trisha
Sent: Wednesday, September 13, 2006 11:53 AM
To: Kennedy, Debora
Subject: Drafting request for Rep. Black

Debora-

Representative Black would like 2005 AB 813 redrafted for the 2007 session. He would like the effective date changed to July 1, 2007.

Thanks so much,

Trisha

Trisha Schmid
Office of State Representative Spencer Black
77th Assembly District
608-266-7521
trisha.schmid2@legis.state.wi.us

9/26

2005 ASSEMBLY BILL 813

LPS.
PWF

November 9, 2005 - Introduced by Representative BLACK. Referred to Joint Committee on Finance.

Gen

- 1 AN ACT *to amend* 49.45 (6v) (b) and 49.45 (6v) (c); and *to create* 49.45 (6v) (d)
- 2 and 49.45 (6v) (e) of the statutes; **relating to:** the transfer of funds from
- 3 Medical Assistance to the Long-term Support Community Options Program
- 4 under certain conditions.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) is required annually to submit a report to the Joint Committee on Finance (JCF) on the utilization of beds by Medical Assistance (MA) Program recipients in nursing homes and community-based residential facilities (CBRFs). The report must also contain information on the likely balances, expenditures, encumbrances, and carry-overs for the appropriation accounts for MA in the fiscal year in which the report is submitted. If DHFS finds that the utilization of beds by medical assistance recipients is less than estimated by JCF, the legislature, and the governor in budget determinations, DHFS must also submit a proposal to JCF to transfer general purpose revenue (GPR) that is appropriated for MA to the Long-term Support Community Options Program (COP), and the secretary of health and family services must transfer the amount. The amount transferred may not result in a deficit in MA at the end of the fiscal year.

This bill, beginning on July 1, 2005, eliminates the requirement that the report include information on the appropriation accounts for MA. Instead, under the bill, the report must include information on the utilization of beds by MA recipients in nursing homes and CBRFs for the two fiscal years that immediately precede the fiscal year in which the report is submitted. The bill specifies that, if the number of

2007

ASSEMBLY BILL 813

beds utilized decreased, DHFS must calculate, under a formula, the difference in the cost of care for the MA recipients for the two fiscal years and submit a proposal to JCF to transfer the portion of the difference that is the state share of MA expenditures to COP. JCF may approve or modify the proposed transfer under a 14-day passive review process. The bill requires that 40 percent of the amount transferred be expended under the part of COP that is funded solely from GPR and that 60 percent of the amount transferred be expended under the part of COP that is funded from GPR and federal medicaid moneys.

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:

2007 ✓

1

SECTION 1. 49.45 (6v) (b) of the statutes is amended to read:

2

49.45 (6v) (b) ~~The Beginning on July 1, 2002,~~ and annually thereafter, the department shall, each year, submit to the joint committee on finance a report for the previous fiscal year, except for the 1997-98 fiscal year, that provides information on the utilization of beds by recipients of medical assistance in facilities and a discussion and detailed projection of the likely balances, expenditures, encumbrances and carry over of currently appropriated amounts in the appropriation accounts under s. 20.435 (4) (b), (gp), and (e) for the immediately prior 2 consecutive fiscal years.

10

SECTION 2. 49.45 (6v) (c) of the statutes is amended to read:

11

49.45 (6v) (c) If the report specified in par. (b) indicates that utilization of beds by recipients of medical assistance in facilities is less than estimates for that utilization reflected in the intentions of the joint committee on finance, legislature and governor, as expressed by them in the budget determinations, the department shall include a proposal to transfer moneys from the appropriation under s. 20.435 (4) (b) to the appropriation under s. 20.435 (7) (bd) for the purpose of increasing funding for the community options program under s. 46.27. The amount proposed

ASSEMBLY BILL 813

1 ~~for transfer may not reduce the balance in the appropriation account under s. 20.435~~
2 ~~(4) (b) below an amount necessary to ensure that that appropriation account will end~~
3 ~~the current fiscal year or the current fiscal biennium with a positive balance. The~~
4 ~~secretary shall transfer the amount identified under the proposal decreased during~~
5 the most recently completed fiscal year from the utilization of beds by medical
6 assistance recipients in facilities in the next most recently completed fiscal year, the
7 department shall multiply the difference between the number of days of care
8 provided to the recipients in the facilities in each of those prior 2 consecutive fiscal
9 years by the average daily costs of care in the facilities for the most recently
10 completed fiscal year. The average daily costs of care shall be calculated by dividing
11 the total of Medical Assistance expenditures for care in facilities for the most recently
12 completed fiscal year by the total number of days of care provided in facilities in that
13 fiscal year.

14 **SECTION 3.** 49.45 (6v) (d) of the statutes is created to read:

15 49.45 (6v) (d) If par. (c) applies and if the amount calculated under par. (c) is
16 positive, the department's report under par. (b) shall include a proposal to transfer
17 an amount equal to the portion of the amount calculated under par. (c) that is the
18 state share of Medical Assistance expenditures from the appropriation account
19 under s. 20.435 (4) (b) to the appropriation account under s. 20.435 (7) (bd) for the
20 purpose of increasing funding for the Long-term Support Community Options
21 Program under s. 46.27. If the cochairpersons of the joint committee on finance do
22 not notify the secretary within 14 working days after the date on which the
23 department submits the proposal that the committee has scheduled a meeting for the
24 purpose of reviewing the proposal, the secretary shall transfer the amount identified
25 under the proposal. If, within 14 working days after the date on which the

ASSEMBLY BILL 813

1 department submits the proposal, the cochairpersons of the joint committee on
2 finance notify the secretary that the committee has scheduled a meeting for the
3 purpose of reviewing the proposal, the secretary may transfer moneys from the
4 appropriation account under s. 20.435 (4) (b) to the appropriation account under s.
5 20.435 (7) (bd) only as approved by the committee.

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

7 49.45 (6v) (e) Of the amount required to be transferred by the secretary under
8 par. (d), 40 percent shall be expended for services as specified under s. 46.27 (7) and
9 60 percent shall be expended for services as specified under s. 46.27 (11).

10

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

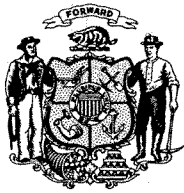
Legal (608-266-3561)

LRB

2/1/08 From Megan (Black's office) - 0207/1

Redraft, to update

2/1/08 DAK called re what was wanted for the update; Megan said Rep. Black would call.



200N - In edit 2/4
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0207/2

DAK:jld:

D-NOTE

2007 BILL

4

Regen

2008 ✓

1 AN ACT to amend 49.45 (6v) (b) and 49.45 (6v) (c); and to create 49.45 (6v) (d)
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BILL

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5 the utilization of beds by recipients of medical assistance in facilities ~~and a~~
6 ~~discussion and detailed projection of the likely balances, expenditures,~~
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10

(END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0207/2dn
DAK:jld:rs

date

To Representative Black:

On February 1, I received a request from Megan in your office to update this bill. Since the statutes in the bill have not been affected by any previous acts this session, it looks as if the only update necessary is to change the beginning date for the report. I have changed it to July 1, 2008, from July 1, 2007. If that is not what you want, please let me know and I will be happy to redraft.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0207/2dn
DAK:jld:rs

February 5, 2008

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E-mail: debora.kennedy@legis.wisconsin.gov

Barman, Mike

From: Zimmerman, Terri
Sent: Thursday, February 07, 2008 11:03 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-0207/2 Topic: Transfer of funds from MA to COP

Please Jacket LRB 07-0207/2 for the ASSEMBLY.