



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0333/P3

RLR:wlj:nwn

PH

In 1/24/07

DOA:.....Milioto, BB0030 - Entitlement and eligibility for Family Care

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Reminder
D-note

1

DO NOT GEN

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Currently, DHFS administers Family Care, a program available in several counties that combines several sources of funding to provide a flexible long-term care benefit called the family care benefit. A person must be at least 18 years of age and have a physical disability, a developmental disability, or degenerative brain disorder (a qualifying condition) to qualify for the family care benefit. In addition, a person must meet both functional and financial eligibility requirements. Currently, the family care benefit is an entitlement for persons who have a qualifying condition, satisfy functional eligibility requirements, and are eligible for Medical Assistance (MA). By January 1, 2008, DHFS must extend entitlement to persons who are not MA eligible but who are functionally eligible at the comprehensive level or are in need of protective services or protective placement and functionally eligible at the intermediate level, as well as to certain persons who are not MA eligible but are functionally eligible because they were receiving long-term care benefits when the Family Care program was introduced.

This bill requires that a person be eligible for MA to receive the family care benefit, and thus eliminates the requirement that DHFS extend, by January 1, 2008, entitlement for the family care benefit to people who are not eligible for MA. However, the bill provides that people who are not eligible for MA but are receiving

the family care benefit on the date this bill is enacted continue to be eligible for, but not entitled to, the family care benefit.

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1 **SECTION 1.** 46.281 (1) (i) of the statutes is repealed.

2 **SECTION 2.** 46.283 (3) (h) of the statutes is repealed.

3 **SECTION 3.** 46.283 (3) (i) of the statutes is repealed.

4 **SECTION 4.** 46.286 (1) (b) (intro.) of the statutes is amended to read:

5 46.286 (1) (b) *Financial eligibility.* (intro.) A person is financially eligible if
6 all any of the following apply:

7 **SECTION 5.** 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

8 **SECTION 6.** 46.286 (1) (b) 1. a. of the statutes is renumbered 46.286 (1) (b) 3. and
9 amended to read:

10 46.286 (1) (b) 3. The person was receiving the family care benefit on the
11 effective date of this subdivision ... [revisor inserts date], the person would qualify
12 for medical assistance except for financial or disability criteria, and the projected cost
13 of the person's care plan, as calculated by the department or its designee, exceeds the
14 person's gross monthly income, plus one-twelfth of his or her countable assets, less
15 deductions and allowances permitted by rule by the department.

16 **SECTION 7.** 46.286 (1) (b) 1. b. and 2. of the statutes are consolidated,
17 renumbered 46.286 (1) (b) 1m. and amended to read:

18 46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance.
19 ~~2. If subd. 1. b. applies, the person accepts medical assistance and,~~ unless he or she

1 is exempt from the acceptance under rules promulgated by the department, accepts
2 medical assistance.

3 SECTION 8. 46.286 (3) (a) (intro.) of the statutes is renumbered 46.283 (3) (a)
4 and amended to read: 46.286

5 46.283 (3) (a) Subject to ~~pars.~~ par. (c) and (d), a person is entitled to and may
6 receive the family care benefit through enrollment in a care management
7 organization if he or she is at least 18 years of age, has a physical disability, as defined
8 in s. 15.197 (4) (a) 2., a developmental disability, as defined in s. 51.01 (5) (a), or
9 degenerative brain disorder, as defined in s. 55.01 (1v), is functionally eligible, is
10 financially eligible, under sub. (1) (b) 1m., and fulfills any applicable cost-sharing
11 requirements and meets any of the following criteria.

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15 SECTION 12. 46.286 (3) (a) 4. of the statutes is repealed.

16 SECTION 13. 46.286 (3) (a) 6. of the statutes is repealed.

17 SECTION 14. 46.286 (3) (d) of the statutes is repealed.

18 SECTION 15. 46.287 (2) (a) 1. c. of the statutes is repealed.

19 SECTION 16. 46.288 (2) (intro.) of the statutes is amended to read:

20 46.288 (2) (intro.) Criteria and procedures for determining functional
21 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost
22 sharing under s. 46.286 (2) (a) ~~and entitlement under s. 46.286 (3).~~ The rules for
23 determining functional eligibility under s. 46.286 (1) (a) 1. a. shall be substantially
24 similar to eligibility criteria for receipt of the long-term support community options

1 program under s. 46.27. Rules under this subsection shall include definitions of the
2 following terms applicable to s. 46.286:

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P4 *dn*
RLR:.....

wij

Steve:

This redraft restores the right to appeal denial of entitlement for the family care benefit and corrects a typo in section 8 of the bill (should be s. 46.286 (3) (a), not 46.283 (3 (a))).

Robin Ryan
Legislative Attorney
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E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P4dn
RLR:wlj:rs

January 25, 2007

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State of Wisconsin
2007 - 2008 LEGISLATURE

PS
LRB-0333/P4

RLR:wlj:rs

1/30/07

stays REMINDED
D-N

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Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

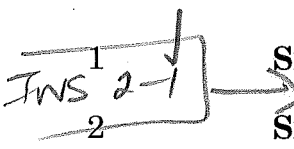
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SECTION 2. 46.283 (3) (h) of the statutes is repealed.

SECTION 3. 46.283 (3) (i) of the statutes is repealed.

SECTION 4. 46.286 (1) (b) (intro.) of the statutes is amended to read:

46.286 (1) (b) *Financial eligibility*. (intro.) A person is financially eligible if all any of the following apply:

SECTION 5. 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

SECTION 6. 46.286 (1) (b) 1. a. of the statutes is renumbered 46.286 (1) (b) 3. and amended to read:

46.286 (1) (b) 3. The person was receiving the family care benefit on the effective date of this subdivision ... [revisor inserts date], the person would qualify for medical assistance except for financial or disability criteria, and the projected cost of the person's care plan, as calculated by the department or its designee, exceeds the person's gross monthly income, plus one-twelfth of his or her countable assets, less deductions and allowances permitted by rule by the department.

SECTION 7. 46.286 (1) (b) 1. b. and 2. of the statutes are consolidated, renumbered 46.286 (1) (b) 1m. and amended to read:

46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance. ~~2. If subd. 1. b. applies, the person accepts medical assistance and,~~ unless he or she

1 is exempt from the acceptance under rules promulgated by the department, accepts
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5 46.286 (3) (a) Subject to ~~pars. par.~~ par. (c) and (d), a person is entitled to and may
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7 organization if he or she is at least 18 years of age, has a physical disability, as defined
8 in s. 15.197 (4) (a) 2., a developmental disability, as defined in s. 51.01 (5) (a), or
9 ~~degenerative brain disorder, as defined in s. 55.01 (1v),~~ is functionally eligible, is
10 financially eligible, under sub. (1) (b) 1m., and fulfills any applicable cost-sharing
11 requirements and meets any of the following criteria:

INS
3-11

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23 similar to eligibility criteria for receipt of the long-term support community options

INS 3-16

1 program under s. 46.27. Rules under this subsection shall include definitions of the
2 following terms applicable to s. 46.286:

3 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P5
RLR:.....

1 **Ins 2-1:**

 ****NOTE: This is reconciled s. 46.281 (1) (i). This SECTION has been affected by
drafts with the following LRB numbers: 0330 and 0333.

2

3

4 **Ins 3-11:**

5 ~~SECTION~~ 46.286 (3) (a) (intro.) of the statutes is amended to read:

6 46.286 (3) (a) (intro.) Subject to ~~pars.~~ par. (c) and (d), a person is entitled to and
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8 organization if ~~he or she~~ all of the following apply:

9 1m. The person is at least 18 years of age.

10 2m. The person has a physical disability, as defined in s. 15.197 (4) (a) 2., a
11 developmental disability, as defined in s. 51.01 (5) (a), or ~~degenerative brain disorder,~~
12 ~~as defined in s. 55.01 (1v),~~ is a frail elder.

13 4m. The person is financially eligible, under sub. (1) (b) 1m., and fulfills any
14 applicable cost-sharing requirements ~~and meets any of the following criteria:~~

History: 1999 a. 9, 185; 2001 a. 16, 109; 2003 a. 33; 2005 a. 25, 264, 388.

15 ~~SECTION~~ 46.286 (3) (a) 3m. of the statutes is created to read:

16 46.286 (3) (a) 3m. The person is functionally eligible.

17

18 **Ins 3-16:**

 ****NOTE: This is reconciled s. 46.286 (3) (a) (intro.) and 1. to 6. This SECTION has
been affected by drafts with the following LRB numbers: 0330 and 0333.

These
s have
CS
A

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

LRB-0333/P5dn

RLR./:...

Wlj

This draft reconciles LRB-0330 and LRB-0333. All of these drafts should continue to appear in the compiled bill.

Robin Ryan
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P5dn
RLR:wlj:rs

January 30, 2007

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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0333/P5

RLR:wlj:rs

PCS RMR
D-N

2/1/07

DOA:.....Milioto, BB0030 - Entitlement and eligibility for Family Care

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4 program under s. 46.27. Rules under this subsection shall include definitions of the
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6 (END)

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

LRB-0333/P6

RLR:f:....

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✓
This redraft adds greater specificity under proposed s. 46.286 (3) (a) 3m.

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Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0333/P6dn
RLR:cjs:nwn

February 1, 2007

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SECTION 16

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