

## 2007 DRAFTING REQUEST

### Bill

Received: 12/05/2006

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rhodes**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

---

### Pre Topic:

DOA:.....Rhodes, BB0205 -

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### Topic:

Children's Long-Term Care Managed Care

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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 12/08/2006	lkunkel 12/13/2006		_____			S&L
/1			nmatzke 12/13/2006	_____	sbasford 12/14/2006		S&L
/2	dkennedy 12/27/2006	lkunkel 12/28/2006	nmatzke 12/28/2006	_____	cduerst 12/28/2006		S&L
/3	dkennedy 01/22/2007	lkunkel 01/23/2007	pgreensl 01/23/2007	_____	mbarman 01/23/2007		

FE Sent For:



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DOA:.....Rhodes, BB 0205 -

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### Topic:

Children's Long-Term Care Managed Care pilot

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See Attached

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/?	dkennedy 12/08/2006	lkunkel 12/13/2006		_____			S&L
/1			nmatzke 12/13/2006	_____	sbasford 12/14/2006		
			12/mk 12/28 nwn 12/28	nwn/Sh 12/28			

FE Sent For: **<END>**

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DOA:.....Rhodes, <sup>BB</sup>0205 -

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**Topic:**

Children's Long-Term Care Managed Care pilot

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See Attached

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<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	l/mk 12/12	nwn 12/13	nwn 12/13			

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Managed Care Pilot Program for Children
- Tracking Code: BB0205
- SBO team: Health and Insurance
- SBO analyst: Dennis Rhodes
  - Phone: 6-2288
  - Email: dennis.rhodes@wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435
- Priority: Medium

## Non-Statutory Language: Managed Care Pilot Program for Children

### **Current Language**

There is no current language; this is a non-statutory language request to direct the Department to seek federal approval for a managed care pilot program of long term care for children.

### **Proposed Change**

Pilot Program for Children's Long Term Support Managed Care. DHFS shall seek waivers of federal medical assistance statutes and regulations from the federal department of health and human services that are necessary to implement children's long term care services program through a managed care organization. Contingent on federal approval, by June 30, 2009 the Department shall establish this program in at least three pilot county sites. The Department may use expansion funds designated for the children's long term support waiver program in the 2007-2009 biennial budget to fund services in these children's LTC managed care pilot sites.

### **Background and Rationale for the Change**

Approximately 3,550 children are on waiting lists for long-term care. Often, while children wait to be served, they do not receive any community supports or may utilize services through Medical Assistance (MA), institutions or the foster care system which usually are not cost effective or do not fully meet the child's needs. Currently, the average time spent on a waiting list is twelve months for a child with autism awaiting intensive in-home treatment services and seven to ten years for other children with long-term care needs including older children with autism. Because of prolonged time waiting for services, children may miss the opportunity to develop critical skills.

A managed care service delivery system can provide better coordinated and more cost-effective care. The Department's long-term care managed care programs for adults, Family Care and Partnership, have been found to be cost effective and improve the quality of care. To improve the long-term care services for children with disabilities, the Department is interested in developing a managed care long-term care system for children. Counties, advocates, and other stakeholders have expressed support for this approach.

Federal Medicaid waivers would be required to implement a children's long-term care managed care program. This non-statutory request would direct the Department to seek the appropriate

federal waivers from the Centers for Medicare and Medicaid in order to implement a managed care program by the end of FY 2009.

**Desired Effective Date:** Upon Passage  
**Agency:** DHFS  
**Agency Contact:** Seng Vang  
**Phone:** 267-0356

12/8/06 From Dennis Rhodes:

This program is separate from the children's long-term care program specified under 2001 Wis Act 16, Sec 9123(16rs) or 2003 Wis Act 33, Sec 9124(8c)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1022/2 |

DAK:.....

Imk

BB  
DOA:.....Rhodes, 0205 - Children's Long-Term Care Managed Care pilot  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

LPS: Pls chg request shrt

DO NOT GEN

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**MEDICAL ASSISTANCE**

This bill requires DHFS to seek waivers for federal medical assistance laws that are necessary to implement, by June 30, 2009, in at least three pilot sites, a Medical Assistance program under managed care for the long-term care of children with disabilities. ✓

✓ 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:*

2 SECTION 9121. Nonstatutory provisions; Health and Family Services. ✓

3 (1) MANAGED CARE PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH  
4 DISABILITIES. ✓ The department of health and family services shall seek waivers of  
5 federal medical assistance statutes and regulations from the federal department of

**SECTION 9121**

1 health and human services that are necessary to implement, by June 30, 2009, in at  
2 least <sup>or 3</sup> ~~three~~ pilot sites, a program, under the Medical Assistance Program, of managed  
3 care for the long-term care of children with disabilities. ✓

4 (END)

**Kennedy, Debora**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Friday, December 22, 2006 4:21 PM  
**To:** Kennedy, Debora  
**Subject:** FW: Fwd: FW: LRB Draft: 07-1022/1 Children's Long-Term Care Managed Care pilot

Debora,

DHFS would like changes to the 07/1022. It's taken me a while to see how you can get to the kids waivers via 4b, but I'll agree. Is odd that other waivers have explicit life in the statutes but these kids waivers don't outside of non-stat language in Act 33?

They also want to delete the date they have to do the work if there is no new funding awarded in the budget. Also OK with DOA.

Thanks so much,

Dennis

-----Original Message-----

From: Vang, Seng [mailto:VangS@dhfs.state.wi.us]  
Sent: Thursday, December 21, 2006 4:33 PM

Hi Dennis:

2 comments from us regarding this language:

1. We request that "by June 30, 2009" should be deleted, if there is no new funding for CLTS waivers.
2. Please add a sentence to the non-stat. language to say the Department can use CLTS waiver funding to provide services under the managed care pilots. We could say something like, The Department may use funds budgeted under appropriation s. 20.435(4)(b) and (4)(c) for children's long term care waiver services under 46.011(1g) to fund services under the pilot."

Thanks.

Seng Vang  
DHFS, OSF  
267-0356  
(F) 267-0358

? Does not exist



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1022/E 2

DAK:lmk:nwn

D-NOTE

↑ keep

DOA:.....Rhodes, BB 0205 - Children's Long-Term Care Managed Care pilot  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

LPS: PLS fix request sheet

DO NOT GO

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Analysis by the Legislative Reference Bureau  
HEALTH AND HUMAN SERVICES

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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:

LPS: chg conf.

CR: 49.45 (54)

2

~~SECTION 9121. Nonstatutory provisions; Health and Family Services.~~

3

49.45 (54)

~~MANAGED CARE PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH~~

4

~~DISABILITIES.~~ The department of ~~health and family services~~ shall seek waivers of

5

federal medical assistance statutes and regulations from the federal department of

30-MCS

- 1 health and human services necessary to implement, ~~by June 30, 2009,~~ in at least 3  
2 pilot sites, a program, ~~under the Medical Assistance Program,~~ of managed care for  
3 the long-term care of children with disabilities.

4

(END)

D-NOTE

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

LRB-1022/2dn  
DAK:lmk:wnw

(date)

↑ stays

To Dennis Rhodes:

As requested, I have removed the June 30, 2009, date from this provision. The effect of doing so is that the provision is no longer time limited, which is the criterion for placing it in nonstatutory provisions, so I have instead placed it in the statutes under s. 49.45 (54). (We draft as nonstatutory those provisions that are required to be implemented by July 1 of the even-numbered year of the next biennial session, i.e., July 1, 2010; the other children's waiver provisions were originally time-limited, and that is why there were nonstatutory under 2001 Wisconsin Act 16 and 2003 Wisconsin Act 33.)

Note that, because I have placed this provision under s. 49.45, stats., it is unnecessary to refer to funding from s. 20.435 (4) (b) or (o), stats., since the language of those appropriations provides for funding of the MA program under s. 49.45, stats.

Also, I have made no reference to money budgeted for "children's long term care waiver services under s. 46.011 (1g)," as requested. It is unnecessary, in a program with such broad language in the appropriation, to refer to use of moneys budgeted for another purpose. Moreover, s. 46.011 (1g) does not exist in the statutes, and DHFS' reference to it baffles me.

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-1022/2dn  
DAK:lmk:nwn

December 28, 2006

To Dennis Rhodes:

As requested, I have removed the June 30, 2009, date from this provision. The effect of doing so is that the provision is no longer time limited, which is the criterion for placing it in nonstatutory provisions, so I have instead placed it in the statutes under s. 49.45 (54). (We draft as nonstatutory those provisions that are required to be implemented by July 1 of the even-numbered year of the next biennial session, i.e., July 1, 2010; the other children's waiver provisions were originally time-limited, and that is why they were nonstatutory under 2001 Wisconsin Act 16 and 2003 Wisconsin Act 33.)

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

**Kennedy, Debora**

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Friday, January 19, 2007 4:10 PM  
**To:** Kennedy, Debora  
**Subject:** RE: LRB Draft: 07-1022/2 Children's Long-Term Care Managed Care pilot

Debora,

Unfortunately after a lot of discussion over here we concluded we need to do this in 7(bc) as an earmark which I believe requires language in 46.48. Can you draft language along the lines of:

Children's Long-Term Managed Care: The department shall award not more than \$250,000 in fiscal year 2007-08 and not more than \$250,000 in fiscal year 2008-09 as a grant to an organization or a group of organizations who are seeking technical assistance and planning services in support of family-centered managed care for children with long-term support needs.

I apologize for this addition,

Dennis

---

**From:** Kennedy, Debora [mailto:Debora.Kennedy@legis.wisconsin.gov]  
**Sent:** Friday, January 19, 2007 10:48 AM  
**To:** Rhodes, Dennis - DOA  
**Subject:** RE: LRB Draft: 07-1022/2 Children's Long-Term Care Managed Care pilot

The appropriation account under s. 20.435 (4) (b) seem inapt, because it seems confined to benefits. What about s. 20.435 (4) (a)? "General program operations" is certainly broad. If that is unsuitable, would the support planning and technical assistance be considered part of MA administrative contract costs? If so, the language of s. 20.435 (4) (bm) might work. (I presume you're referring to GPR).

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Friday, January 19, 2007 9:32 AM  
**To:** Kennedy, Debora  
**Subject:** FW: LRB Draft: 07-1022/2 Children's Long-Term Care Managed Care pilot

Debora,

Unexpectedly funding has become available to support planning and technical assistance (but not for benefits) for children's long term managed care. In your view can funding for that purpose be budgeted an existing appropriation that supports 49.45? DHFS wants new language under 7(bc), which I'd like to avoid if possible.

Thanks,

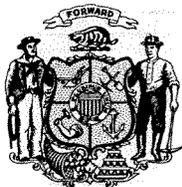
Dennis R.

---

**From:** Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]  
**Sent:** Thursday, December 28, 2006 3:11 PM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA  
**Subject:** LRB Draft: 07-1022/2 Children's Long-Term Care Managed Care pilot

01/19/2007

Following is the PDF version of draft 07-1022/2.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1022/23

DAK:lmk:awn

↑↑ stays

DOA:.....Rhodes, BB0205 - Children's Long-Term Care Managed Care pilot

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

INSERT A

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

*Analysis by the Legislative Reference Bureau*

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

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INSERT 1-2

2 SECTION 1. 49.45 (54) of the statutes is created to read:

3 49.45 (54) MANAGED CARE PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH  
4 DISABILITIES. The department shall seek waivers of federal medical assistance  
5 statutes and regulations from the federal department of health and human services

1 necessary to implement, in at least 3 pilot sites, a program of managed care for the  
2 long-term care of children with disabilities.

3 (END)

**2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1022/3ins  
DAK:lmk:nwn

no #

**INSERT A**

The bill also requires DHFS to award moneys in both years of the fiscal biennium for technical assistance and planning services in support of family-centered managed care for children with long-term support needs. ✓

**INSERT 1-2**

1       **SECTION 1.** 46.48 (16) of the statutes is created to read:

2       46.48 (16) CHILDREN'S LONG-TERM MANAGED CARE. The department shall award  
3       not more than \$250,000 in fiscal year 2007-08 and not more than \$250,000 in fiscal  
4       year 2008-09 as a grant to an organization or a group of organizations for technical  
5       assistance and planning services in support of family-centered managed care for  
6       children with long-term support needs. ✓

7

## Kennedy, Debora

---

**From:** Rhodes, Dennis - DOA  
**Sent:** Monday, January 29, 2007 11:23 AM  
**To:** Kennedy, Debora  
**Subject:** FW: FW: LRB Draft: 07-1022/3 Children's Long-Term CareManaged Care

This is OK with us.

-----Original Message-----

**From:** Seng Vang [mailto:VangS@dhfs.state.wi.us]  
**Sent:** Monday, January 29, 2007 11:21 AM  
**To:** Rhodes, Dennis - DOA  
**Subject:** Re: FW: LRB Draft: 07-1022/3 Children's Long-Term CareManaged Care

Hi Dennis,

Can we add language to s. 46.48(16) in order to allow us to carry over the FY 08 funds to FY 09?

Thanks.

>>> "Rhodes, Dennis - DOA" <dennis.rhodes@wisconsin.gov> 1/25/2007 4:48 PM >>>

---

**From:** Greenslet, Patty [mailto:Patty.Greenslet@legis.wisconsin.gov]  
**Sent:** Tuesday, January 23, 2007 11:30 AM  
**To:** Rhodes, Dennis - DOA  
**Cc:** Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA  
**Subject:** LRB Draft: 07-1022/3 Children's Long-Term Care Managed Care

Following is the PDF version of draft 07-1022/3.



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2007 - 2008 LEGISLATURE

LRB-1022/3  
DAK:lmk:pg

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4 **SECTION 2.** 49.45 (54) of the statutes is created to read:

5 49.45 (54) MANAGED CARE PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH  
6 DISABILITIES. The department shall seek waivers of federal medical assistance  
7 statutes and regulations from the federal department of health and human services  
8 necessary to implement, in at least 3 pilot sites, a program of managed care for the  
9 long-term care of children with disabilities.

10

(END)