

2007 DRAFTING REQUEST

Bill

Received: **12/07/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 6-9791**

By/Representing: **Laura Rose**

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: **laura.rose@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

MA respiratory care rates

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>
/?	dkennedy 12/20/2006	jdyer 12/26/2006		_____			
/P1			nmatzke 12/27/2006	_____	sbasford 12/27/2006		
/1	dkennedy 11/07/2007	jdyer 11/07/2007	pgreensl 11/07/2007	_____	cduerst 11/07/2007	cduerst 11/07/2007	

FE Sent For: N/A

<END>

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pr *1/18/07* *NN*
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/?	dkennedy	PI 12/26 jw	nwn 12/27	nwn 12/27			

FE Sent For:

<END>

III. Chapter 49, Respiratory Care Rates

Specific Statutory Change

The provisions under s.49.45(8m) establish in statute the rates for respiratory care services provided by nurses in independent practice. Section 49.45(8m)(a) states that for respiratory care services provided subsequent to an initial visit and for extended visits by a licensed registered nurse, the Medicaid reimbursement should be \$31.21 per hour. Section 49.45(8m)(b) states that for respiratory care services provided subsequent to an initial visit and for extended visits by a licensed practical nurse, the Medicaid reimbursement should be \$20.81 per hour.

These statutory rates were set in 1997 and have not been updated to reflect provider rate increases that have been provided in subsequent budgets. Therefore, the statutory rates are inconsistent with the current Medicaid reimbursement rate. The reimbursement rates in statute should either be updated to reflect the current Medicaid payment rate or the provision should be removed to be consistent with how other non-institutional provider rates are established.

The Administrative Problem

The statutory rates for respiratory care services provided by independently practicing licensed registered nurses and licensed practical nurses are not consistent with the current Medicaid reimbursement established in the Medicaid fee schedule. Based on the current Medicaid fee schedule, respiratory care services provided by a licensed registered nurse are to be reimbursed at a rate of \$32.21 per hour and respiratory care services provided by a licensed practical nurse are to be reimbursed at a rate of \$21.48 per hour.

The current rates and statutory language under s. 49.45(8m)(a) and s.49.45(8m)(b) were established in 1997 through Act 27, the 1997-99 budget bill. Subsequently, in the 1999-01 and 2001-03 budgets, across the board rate increases were funded for non-institutional providers and therefore, the rates for respiratory care services were increased. However, the respiratory care rates in statute were not changed to reflect these increases. Table 1 shows the rate increases for respiratory care services.

Table 1: Rates for Respiratory Care Services

Fiscal Year	Approved Rate Increase	Licensed Regist. Nurse	Licensed Pract. Nurse
FY99 (Act 27 rates)	0.0%	\$31.21	\$20.81
FY00	0.0%	\$31.21	\$20.81
FY01	1.0%	\$31.52	\$21.02
FY02	1.1%	\$31.87	\$21.25
FY03 (Current rates)	1.1%	\$32.21	\$21.48

Need for the Change

Having the rates for a specific Medicaid provider in statute is inconsistent with Medicaid rate setting for other non-institutional providers. For most non-institutional providers, rates are not established in statute but are based on a maximum allowable cost schedule that is issued by the Department. The Department then updates these rates based on legislative approval. To be consistent with how other rates are set for non-institutional providers, the statutory provision establishing rates for respiratory care services should be removed. However, at a minimum, in order for the rates to be consistent with the current Medicaid

reimbursement rates, the statutory rates for respiratory care services should be updated to the current Medicaid reimbursement rates.

Estimate of Fiscal Effect

This change is budget neutral since Medicaid is currently reimbursing at the higher rates for respiratory care services.

Section #. 49.45 (8m) of the statutes is amended to read:

49.45 (8m) RATES FOR RESPIRATORY CARE SERVICES. Notwithstanding the limit under sub. (8), the rates under sub. (8) and rates charged by providers under s. 49.46 (2) (a) 4. d. that are not home health agencies, for reimbursement for respiratory care services for ventilator-dependent individuals under ss. 49.46 (2) (b) 6. m. and 49.47 (6) (a) 1., shall be as follows:

(a) For visits subsequent to an initial visit and for extended visits by a licensed registered nurse, \$31.21 per hour.

(b) For visits subsequent to an initial visit and for extended visits by a licensed practical nurse, \$20.81 per hour.

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; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1058/P1

DAK:.....

n
jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: eliminating reimbursement rate requirements for certain
2 respiratory care services (suggested as remedial legislation by the Department
3 of Health and Family Services).

Analysis by the Legislative Reference Bureau

Current law specifies hourly rates of reimbursement to providers of respiratory care services for ventilator-dependent recipients under the Medical Assistance (MA) Program.

*

This bill eliminates the specified hourly rates of MA reimbursement for these respiratory care services.

anal:
lrcnote

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

4 SECTION 1. 49.45 (8m) of the statutes is repealed.

5 (END)



11-7-07

WISCONSIN LEGISLATIVE COUNCIL

Debara-

These 3 drafts can
be jacketed. I've
included the notes for
each that should be
inserted. Thanks

Jansen

Phone: (608) 266-1304 Fax: (608) 266-3830
Web: www.legis.state.wi.us/lc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to repeal* 49.45 (8m) of the statutes; **relating to:** eliminating
2 reimbursement rate requirements for certain respiratory care services
3 (suggested as remedial legislation by the Department of Health and Family
4 Services).

Analysis by the Legislative Reference Bureau

Current law specifies hourly rates of reimbursement to providers of respiratory care services for ventilator-dependent recipients under the Medical Assistance (MA) program.

This bill eliminates the specified hourly rates of MA reimbursement for these respiratory care services.

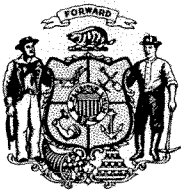
For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

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1 **SECTION 1.** 49.45 (8m) of the statutes is repealed.

2 **(END)**



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

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2 reimbursement rate requirements for certain respiratory care services
3 (suggested as remedial legislation by the Department of Health and Family
4 Services).

Analysis by the Legislative Reference Bureau

Current law specifies hourly rates of reimbursement to providers of respiratory care services for ventilator-dependent recipients under the Medical Assistance (MA) program.

This bill eliminates the specified hourly rates of MA reimbursement for these respiratory care services.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

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INSERT
↓

1 **SECTION 1.** 49.45 (8m) [✓] of the statutes is repealed.

2 (END)

INSERT 2-1 ✓

INSERT 2-1

NOTE: CS

note:
Std

LRB 1058/1. This bill eliminates a reference to a specific dollar amount for the reimbursement rate under the Medical Assistance Program for respiratory care services. Having this specific reference in the statutes is out of line with the current practice of setting rates for Medical assistance providers. These rates are not established in statute, but are based on a maximum allowable cost schedule issued by the department of health and family services. Rates sought by the department in accordance with this schedule are then given legislative approval, rather than included in the statutes.

(end ins 2-1)

FROM THE

LEGISLATIVE REFERENCE BUREAU

INSERT J

LPS - insert not checked in

Department of Health and Family Services

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the [redacted] and introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., as a result of the Revisor of Statutes' case and opinion review under s. 13.93 (2) (d), stats. ~~This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats.~~ After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

note: LRC

(end ins J)

Duerst, Christina

From: Rose, Laura
Sent: Wednesday, November 07, 2007 2:49 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1058/1 Topic: MA respiratory care rates

Please Jacket LRB 07-1058/1 for the SENATE.