

2007 DRAFTING REQUEST

Assembly Amendment (AA-SB370)

Received: 03/03/2008

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Kurt Simatic (aide)

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Adl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: YES

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

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

Pre Topic:

No specific pre topic given

Topic:

Medical Assistance trust fund to be used only for MA benefits

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 03/03/2008	bkraft 03/03/2008		_____			
/1			nmatzke 03/03/2008	_____	cduerst 03/03/2008	cduerst 03/03/2008	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Assembly Amendment (AA-SB370) ✓

Received: 03/03/2008

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Sheryl Albers (608) 266-8531**

By/Representing: **Kurt Simatic (aide)**

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

Drafter: **dkennedy**

May Contact:

Adl. Drafters:

Subject: **Health - medical assistance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Albers@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Medical Assistance trust fund to be used only for MA benefits

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	l/bjk 3/3	nvn 3/3	nvn 3/3			

FE Sent For:

<END>

**ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 370**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert the following:

3 **SECTION 1.** 25.77 (intro.) of the statutes is amended to read:

4 **25.77 Medical assistance trust fund.** (intro.) There is created a separate nonlapsible
5 trust fund designated as the medical assistance trust fund, ~~consisting of all of the following:~~
6 The fund is held in irrevocable trust for the sole benefit of supporting a portion of the state's
7 share of medical assistance benefits costs. Moneys in the fund may not be used for any other
8 purpose of the state. The fund consists of all of the following:

9 **2.** Page 2, line 1: delete "SECTION 1" and insert "SECTION 1m".

10

(END)

Kennedy, Debora

To: Simatic, Kurt

Subject: RE: Aging and Long Term Care committee Hearing

Surely. If I have questions, I'll contact you.
Debora

From: Simatic, Kurt

Sent: Monday, March 03, 2008 1:52 PM

To: Kennedy, Debora

Subject: FW: Aging and Long Term Care committee Hearing

Debora:

Could you get the attached Leg Council amendment drafted as an Assembly amendment to SB 370?

Thanks.

Kurt Simatic

Office of State Representative Sheryl K. Albers

115 West

State Capitol

Madison, WI 53708

608-266-8531

kurt.simatic@legis.wisconsin.gov

From: Rose, Laura

Sent: Thursday, February 28, 2008 8:22 AM

To: Simatic, Kurt

Subject: RE: Aging and Long Term Care committee Hearing

Hi Kurt,

I was at a hearing yesterday from 12:00 noon until 7:00 pm and did not see this message until this morning. I just did a Leg Council amendment for her, for this morning's hearing/exec (attached). I'm not sure if the chair will accept it because of the timing. If he doesn't, I would be happy to work with her on a floor amendment.

Laura

From: Simatic, Kurt

Sent: Wednesday, February 27, 2008 12:47 PM

To: Rose, Laura

Subject: RE: Aging and Long Term Care committee Hearing

03/03/2008

Thanks, Laura.

Yesterday in closed GOP caucus, one of the members announced that the law revision bill we are talking about here (SB 370) does have language to protect the MA trust fund. Sheryl feels that, based off what you described SB 370 does, that is not true.

If it is not true, she would like a memo that explains it. Also, she would like an amendment drafted that protects the MA trust fund by prohibiting raids on the fund, specify that the fund can only be used for health-related purposes, and none of the funds can lapse to GPR.

Thanks.

Kurt Simatic
Office of State Representative Sheryl K. Albers
115 West
State Capitol
Madison, WI 53708
608-266-8531
kurt.simatic@legis.wisconsin.gov

From: Rose, Laura
Sent: Tuesday, February 26, 2008 2:04 PM
To: Rose, Laura; Simatic, Kurt
Subject: RE: Aging and Long Term Care committee Hearing

Kurt, this may help a bit. Currently, the MA trust fund is used to support the state share of MA costs. Here is an excerpt from the LFB informational paper on MA:

MA Trust Fund. The MATF was created by 2001 Act 16 as a separate, nonlapsible trust fund to which all federal matching funds based on nursing home and local government intergovernmental transfer were deposited. In the years following its creation, the Legislature has designated revenue from other sources, including transfers from the general fund and a portion of the revenues collected from the nursing home bed assessment,

03/03/2008

for deposit to the MATF. As in previous biennium,
segregated revenues budgeted in the 2005-07
biennium from the MATF supports a portion of
the state's share of MA benefits costs.

From: Rose, Laura
Sent: Tuesday, February 26, 2008 1:57 PM
To: Simatic, Kurt
Subject: RE: Aging and Long Term Care committee Hearing

Hi Kurt,

Here (in red, below) is the language regarding protecting the patient compensation fund. If she would like to do something similar for the MA trust fund, she should be specified for what purposes the MA trust fund moneys can be used.

In addition, even if such a statutory provision were enacted, it is not "iron clad". Any legislature can just repeal or amend such a provision at any time.

Let me know how you would like to proceed. If she can define what purposes the MA trust fund should be restricted to, I can talk to the drafter about it.

Laura

6) Purpose and integrity of fund. The fund is established to curb the rising costs of health care by financing part of the liability incurred by health care providers as a result of medical malpractice claims and to ensure that proper claims are satisfied. The fund, including any net worth of the fund, is held in irrevocable trust for the sole benefit of health care providers participating in the fund and proper claimants. Moneys in the fund may not be used for any other purpose of the state.

From: Simatic, Kurt
Sent: Tuesday, February 26, 2008 1:35 PM
To: Rose, Laura
Subject: RE: Aging and Long Term Care committee Hearing

Laura:

Yes, I understand that this would be a big change.

Sheryl, however, is insistent on her right to amend and is insisting that I get an answer to her original

question as to whether or not the MA trust fund can be raided.

Thanks.

Kurt

From: Rose, Laura
Sent: Tuesday, February 26, 2008 11:28 AM
To: Simatic, Kurt
Subject: RE: Aging and Long Term Care committee Hearing

Hi Kurt,

This is a law revision committee bill. This change requiring deposits of all nursing home assessments into the MA trust fund account was made in Act 20 (the biennial budget act).

All this bill does is make a technical change to these budget provisions, to correct two provisions that currently refer to deposit of the revenue in both the general fund and the MA trust fund. Under the bill, all revenue will go into the MA trust fund. This will make it in line with the provisions adopted in the budget -- it was overlooked, so it's being fixed.

Generally speaking, law revision bills are very technical and are not amended, especially in substantive ways. .this recommendation by Rep. Albers would add significant substance to this bill.

Laura

From: Simatic, Kurt
Sent: Tuesday, February 26, 2008 11:18 AM
To: Rose, Laura
Subject: FW: Aging and Long Term Care committee Hearing

Laura:

I am forwarding you a question that Sheryl had, and if answered in the affirmative, she may want an amendment drafted.

Thanks.

Kurt

From: skalbers [mailto:skalbers@rucls.net]
Sent: Tuesday, February 26, 2008 7:55 AM
To: Simatic, Kurt
Cc: Rep.Townsend
Subject: RE: Aging and Long Term Care committee Hearing

Ask Leg Council whether the MA Trust Fund can be raided – or whether protective language is needed – akin to language offered to better protect the Patient Comp Account? Will want response today, so if such language is needed, amendment to bill can be requested and circulated to committee prior to 9 a.m. on Wed morning. Townsend/Townsend Staff needs to beware of my concern. Sheryl

03/03/2008

From: Simatic, Kurt [mailto:Kurt.Simatic@legis.wisconsin.gov]
Sent: Monday, February 25, 2008 1:19 PM
To: skalbers
Subject: FW: Aging and Long Term Care committee Hearing

From: Lawrence, Minette
Sent: Monday, February 25, 2008 1:08 PM
To: *Legislative Assembly Republicans; *Legislative Senate Republicans; *Legislative Assembly Democrats; *Legislative Senate Democrats; Karius, Bob; Inabnet, Kay; Rose, Laura

Subject: Aging and Long Term Care committee Hearing

Assembly

PUBLIC HEARING

Committee on Aging and Long Term Care

The committee will hold a public hearing on the following items at the time specified below:

Thursday, February 28, 2008

9:00 AM

328 Northwest

State Capitol

Senate Bill 370

Relating to: depositing all revenue from the assessment on licensed beds of nursing homes and intermediate care facilities for the mentally retarded into the Medical Assistance trust fund (suggested as remedial legislation by the Department of Health and Family Services).

By Law Revision Committee.

Representative John Townsend
Chair



TODAY
State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1524/1

DAK:.....

bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO 2007 SENATE BILL 370**

bh ✓
SA ✓
X-ref ✓

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: before that line insert:

3 "SECTION 1g. 25.77 (intro.) of the statutes is amended to read:

4 25.77 **Medical assistance trust fund.** (intro.) There is created a separate
5 nonlapsible trust fund designated as the medical assistance trust fund, consisting.
6 The fund is held in irrevocable trust solely to provide a portion of the state's share
7 of medical assistance benefits costs. Moneys in the fund may not be used for any
8 other purpose of the state. The fund consists of all of the following:

History: 2001 a. 13, 16; 2003 a. 33, 129, 318; 2005 a. 15, 25; 2007 a. 20 ss. 697d to 697p, 9121 (6) (a).

9 2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1M".

10

(END) ✓

check font size - not CS

check font size - not CS