

2007 ASSEMBLY BILL 616

December 6, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Aging and Long Term Care.

1 **AN ACT to amend** 46.27 (1) (bm), 46.2805 (1) (a) and 149.12 (2) (g) 4.; and **to**
2 **create** 49.45 (58) of the statutes; **relating to:** authorization to administer the
3 Program for All-Inclusive Care for the Elderly under the Medical Assistance
4 program (suggested as remedial legislation by the Department of Health and
5 Family Services).

Analysis by the Legislative Reference Bureau

The Program for All-Inclusive Care for the Elderly (PACE) is a federally authorized Medicaid program under which states may contract with an entity to provide comprehensive health care services for a capitated payment to elderly people who require the level of care provided in a nursing facility. Federal law initially authorized PACE as a Medicaid waiver program, and the Department of Health and Family Services obtained a federal Medicaid waiver to administer PACE. Current federal law provides that states may administer PACE under their Medicaid programs without need of a waiver.

This bill specifies that the Department of Health and Family Services may administer PACE under the Medical Assistance program (Wisconsin's Medicaid program).

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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:

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.

1 **SECTION 1.** 46.27 (1) (bm) of the statutes is amended to read:

2 46.27 (1) (bm) “Private nonprofit agency” means a nonprofit corporation, as
3 defined in s. 181.0103 (17), which provides a program of all-inclusive care for persons
4 aged ~~65 or older authorized under 42 USC 1395 to 1395ggg and which participates~~
5 ~~in the On Lok replication initiative~~ the elderly under 42 USC 1395eee or 1396u-4.

6 **SECTION 2.** 46.2805 (1) (a) of the statutes is amended to read:

7 46.2805 (1) (a) A program of all-inclusive care for persons aged ~~65 or older~~
8 ~~authorized under 42 USC 1395 to 1395ggg~~ the elderly under 42 USC 1395eee or
9 1396u-4.

10 **SECTION 3.** 49.45 (58) of the statutes is created to read:

11 49.45 (58) PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY. The department
12 may administer the program of all-inclusive care for the elderly under 42 USC
13 1396u-4.

14 **SECTION 4.** 149.12 (2) (g) 4. of the statutes is amended to read:

15 149.12 (2) (g) 4. Services provided under the program of all-inclusive care for
16 persons aged ~~55 or older authorized under 42 USC 1396u-4~~ the elderly under s.
17 49.45 (58).

NOTE: This bill corrects the statutory references to the U.S. Code for the program of all-inclusive care for the elderly. The new statutory references to the U.S. Code reflect

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that the program is no longer a medical assistance waiver program; rather, it is now administered under the medical assistance program without the need for a waiver.

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(END)