

2007 DRAFTING REQUEST

Bill

Received: **10/29/2007**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

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>
/?							
/P1	rryan 10/31/2007	wjackson 10/31/2007	rschluet 11/01/2007	_____	cduerst 11/01/2007		
	rryan 11/05/2007	wjackson 11/05/2007		_____			
/P2	rryan 11/21/2007	wjackson 11/29/2007	rschluet 11/05/2007	_____	lparisi 11/05/2007		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			pgreensl 11/30/2007	_____	sbasford 11/30/2007	cduerst 11/30/2007	

FE Sent For:

↳ Not Needed

<END>

2007 DRAFTING REQUEST

Bill

Received: **10/29/2007**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Laura Rose**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **DAK**

Submit via email: **YES**

Requester's email: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

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>
/?							
/P1	rryan 10/31/2007	wjackson 10/31/2007	rschluet 11/01/2007	_____	cduerst 11/01/2007		
	rryan 11/05/2007	wjackson 11/05/2007		_____			
/P2	rryan 11/21/2007	wjackson 11/29/2007	rschluet 11/05/2007	_____	lparisi 11/05/2007		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/1

pgreensl _____
11/30/2007 _____

sbasford _____
11/30/2007 _____

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 10/29/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Adl. Drafters:

Subject: Health - medical assistance

Extra Copies: DAK

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

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>
/P1	rryan 10/31/2007	wjackson 10/31/2007	rschlue 11/01/2007	_____	cduerst 11/01/2007		
	rryan 11/05/2007	wjackson 11/05/2007		_____			
/P2		1 wj 11/29	rschlue 11/05/2007	1/30	lparisi 11/05/2007		

FE Sent For:

<END>

2007 DRAFTING REQUEST

Bill

Received: 10/29/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: DAK

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

Instructions:

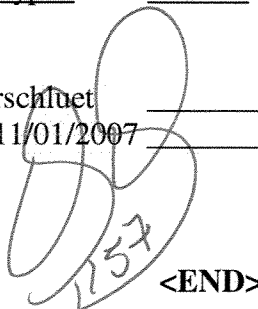
See Attached

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>
/?							
/P1	rryan 10/31/2007	wjackson 10/31/2007	rschluet 11/01/2007		cduerst 11/01/2007		

FE Sent For:

/p2 wly 11/5


1137

<END>

2007 DRAFTING REQUEST

Bill

Received: 10/29/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: DAK

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	rryan	/pl WLj 10/31					
----	-------	---------------	---	--	--	--	--

FE Sent For:

<END>

DHFS Division of Disability and Elder Services
Remedial Legislation for 2007-08 Legislative Session

PACE Authorization as a Medicaid State Plan Service

Specific Statutory Change Requested

Create a new section of the statutes [s.49.45(53)] to define and authorize the Program of All-Inclusive Care for the Elderly (PACE) benefit as a Medicaid state plan service. PACE is a new Medicare/Medicaid managed care program that integrates all aspects of health and long-term care for the elderly.

Administrative or Substantive Problem with the Current Statutes

The federal Centers for Medicare and Medicaid Services (CMS) has authorized states to provide PACE as a Medicaid State Plan service. Most Medicaid State Plan services are defined and authorized in Chapter 49. The new PACE service is not.

Need for the Change

The purpose of defining Medicaid services in statutes and rules is to provide a basis for decisions in legal challenges or appeals. Without a statutory definition of PACE the Department may not have sufficient basis to defend the way the program has been implemented.

Estimate of Fiscal Effect

None. The PACE benefit is in the Medicaid State Plan and is being provided.

DHFS Contact: Charles Jones (608) 266-0991



State of Wisconsin
2007 - 2008 LEGISLATURE

By Thurs PM

PI
LRB-3371/?
RLR:.....
Wlj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMTB
D-N

1 AN ACT ^{Gen} ...; relating to: authorization to administer the Program for
2 All-Inclusive Care for the Elderly under the Medical Assistance program
3 (suggested as remedial legislation by the Department of Health and Family
4 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).

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:

1 SECTION 1. 49.45 (58) of the statutes is created to read:

2 49.45 (58) PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY. The department
3 may administer the program of all-inclusive care for the elderly under 42 USC
4 1396u-4.

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

6 149.12 (2) (g) 4. Services provided under the program of all-inclusive care for
7 persons aged 55 or older authorized under 42 USC 1396u-4 the elderly under s. 49.45
8 (58).

History: 1979 c. 313; 1983 a. 27, 215; 1985 a. 29, 73; 1987 a. 27, 70, 239; 1989 a. 201 s. 36; 1989 a. 332, 359; 1991 a. 39, 250; 1993 a. 27; 1995 a. 27, 407; 1997 a. 27 ss. 3025f, 4826 to 4831e; Stats. 1997 s. 149.12; 1999 a. 9; 2005 a. 74.

9 (END)

D-N

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3371/P1dn

RLR:/:....

WLJ

How do you want to treat the references to PACE under ss. 46.27 (1) (bm) and 46.2805 (1) (a)? Federal law authorizes PACE under Medicare (42 USC 1395eee) and Medicaid (42 USC 1396u-4). Do you want to leave ss. 46.27 (1) (bm) and 46.2805 (1) (a) as they are, amend them to cite both 42 USC 1395eee and 42 USC 1396u-4, or amend them to cite only 42 USC 1395eee? Also please review the treatment of s. 149.12 (2) (g) 4. in this bill.

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

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

LRB-3371/P1dn
RLR:wlj:rs

November 1, 2007

How do you want to treat the references to PACE under ss. 46.27 (1) (bm) and 46.2805 (1) (a)? Federal law authorizes PACE under Medicare (42 USC 1395eee) and Medicaid (42 USC 1396u-4). Do you want to leave ss. 46.27 (1) (bm) and 46.2805 (1) (a) as they are, amend them to cite both 42 USC 1395eee and 42 USC 1396u-4, or amend them to cite only 42 USC 1395eee? Also please review the treatment of s. 149.12 (2) (g) 4. in this bill.

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

LRB-3371

Ryan, Robin

From: Jones, Charles M - DHFS
Sent: Friday, November 02, 2007 12:43 PM
To: Ryan, Robin
Cc: Rose, Laura
Subject: [Possible Spam] Fwd: Re: FW: Draft review: LRB 07-3371/P1 Topic: Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) und er Medical Assistance

Importance: Low

Whoops. Maybe I should have sent this to you instead of Laura.

* * * * *

Charles Jones, Family Care Program Manager DHFS / DLTC Office of Family Care Expansion
1 W. Wilson Street, Room 518
P.O. Box 7851
Madison, WI 53707-7851
Phone: (608) 266-0991
FAX: (608) 266-5629
e-mail: jonescm@dhfs.state.wi.us

* * * * *

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

>>> Charles Jones 11/2/2007 11:49 AM >>>
The draft (LRB*07-3371/P1) looks fine to me. In response to your note, I think ss. 46.27 (1) (bm) and 46.2805 (1) (a) should be corrected using both cites.

(Although not really my area, the single cite under s. 149.12 (2) (g) 4. seems OK to me.)

* * * * *

Charles Jones, Family Care Program Manager DHFS / DLTC Office of Family Care Expansion
1 W. Wilson Street, Room 518
P.O. Box 7851
Madison, WI 53707-7851
Phone: (608) 266-0991
FAX: (608) 266-5629
e-mail: jonescm@dhfs.state.wi.us

* * * * *

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

>>> "Rose, Laura" <Laura.Rose@legis.wisconsin.gov> 11/2/2007 9:09 AM >>>
Hi Katie,

Here's another draft for your review. I'll just send them along as I get them.

Laura

From: Duerst, Christina
Sent: Thu 11/1/2007 8:31 AM
To: Rose, Laura
Subject: Draft review: LRB 07-3371/P1 Topic: Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

Following is the PDF version of draft LRB 07-3371/P1 and drafter's note.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3371/P1

RLR:wlj:rs

P2

Today

stays
KNNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

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

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:

INS 2-1 →

1 **SECTION 1.** 49.45 (58) of the statutes is created to read:

2 49.45 (58) PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY. The department
3 may administer the program of all-inclusive care for the elderly under 42 USC
4 1396u-4.

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

6 149.12 (2) (g) 4. Services provided under the program of all-inclusive care for
7 ~~persons aged 55 or older authorized under 42 USC 1396u-4~~ the elderly under s.
8 49.45 (58).

9 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3371/P2ins
RLR:.....

1

2

Ins 2-1:

3

SECTION ~~2~~ 46.27 (1) (bm) of the statutes is amended to read:

4

46.27 (1) (bm) "Private nonprofit agency" means a nonprofit corporation, as

5

defined in s. 181.0103 (17), which provides a program of all-inclusive care for persons

6

aged ~~65 or older authorized under 42 USC 1395 to 1395ggg~~ and which participates

7

in the On Lok replication initiative the elderly under 42 USC 1395eee or 42 USC

8

1396u-4.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387.

9

SECTION ~~2~~ 46.2805 (1) (a) of the statutes is amended to read:

10

46.2805 (1) (a) A program of all-inclusive care for persons aged ~~65 or older~~

11

authorized under ~~42 USC 1395 to 1395ggg~~ the elderly under 42 USC 1395eee or 42

12

USC 1396u-4.

History: 1999 a. 9, 185; 2003 a. 33.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3371/P2

RLR:wlj:rs

↑
stays

In 11/21/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{Regen} 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).

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:

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).

(END)

INS
pret note

INS
Note
2-18 18

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

LRB-3371/1ins
RLR:.....

Ins pref note:

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.

2-18

JWS ~~WSP~~ Note 1:

CS
= A

NOTE: LRB 3371/P2: 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 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.

*

Duerst, Christina

From: Rose, Laura
Sent: Friday, November 30, 2007 8:55 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3371/1 Topic: Authorization to administer the Program for All-Inclusive Care for the Elderly (PACE) under Medical Assistance

Please Jacket LRB 07-3371/1 for the ASSEMBLY.