AN ACT to repeal 49.45 (24i) (title) and (e) and 49.45 (24i) (a) to (d); to amend 20.435 (4) (b) and 20.435 (4) (b); and to create 49.45 (24i) of the statutes; relating to: a pilot program to increase Medical Assistance reimbursement rates for pediatric dental care and adult emergency dental services in certain counties and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current federal and state law, Medical Assistance (MA) is a jointly funded, federal–state program, including BadgerCare Plus, that the Department of Health and Family Services (DHFS) administers to provide health care benefits to eligible individuals with very low incomes and few assets (generally, pregnant women, certain children, certain parents or caretaker relatives, certain adults under age 21 who were in foster care, migrant workers and their dependents, and elderly or disabled individuals).

This bill requires DHFS to request a waiver of federal Medicaid laws, and to submit amendments to the state MA plan, to the secretary of the federal department of health and human services, in order to implement, as a two-year pilot project, an increase in the MA reimbursement rate for pediatric dental care and adult emergency dental services provided in La Crosse, Brown, and Racine counties. Subject to approval of the waiver and state plan amendments, the bill specifies the reimbursement rate payable and increases the MA general program revenues appropriation account by $1,638,800 in each fiscal year of the pilot project.
Under the bill, if the pilot project is implemented, DHFS must submit reports to the legislature, including to the members of the Joint Committee on Finance, that specify, under certain requirements, the effect that the reimbursement rate increase has had on dental access for MA recipients.

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:

SECTION 1. 20.435 (4) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

20.435 (4) (b) Medical Assistance program benefits. Biennially, the amounts in the schedule to provide a portion of the state share of Medical Assistance program benefits administered under subch. IV of ch. 49, for a portion of the Badger Care health care program under s. 49.665, to provide a portion of the Medical Assistance program benefits administered under subch. IV of ch. 49 that are not also provided under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers under s. 46.283, for services under the family care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss. 49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in 2005 Wisconsin Act 15, section 3, and to fund the dental reimbursement pilot project under s. 49.45 (24i). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation account to the appropriation account under sub. (7) (kb) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation account and may transfer between fiscal years funds that it transfers from the appropriation account under sub. (7) (kb) for the purposes specified in s.
46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this
appropriation account to the appropriation account under sub. (7) (bd) funds in the
amount and for the purposes specified in s. 49.45 (6v).

SECTION 2. 20.435 (4) (b) of the statutes, as affected by 2007 Wisconsin Acts 20
and .... (this act), is amended to read:

20.435 (4) (b) Medical Assistance program benefits. Biennially, the amounts
in the schedule to provide a portion of the state share of Medical Assistance program
benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
health care program under s. 49.665, to provide a portion of the Medical Assistance
program benefits administered under subch. IV of ch. 49 that are not also provided
under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
services provided by resource centers under s. 46.283, for services under the family
care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss.
49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in
2005 Wisconsin Act 15, section 3, and to fund the dental reimbursement pilot project
under s. 49.45 (24i). Notwithstanding s. 20.002 (1), the department may transfer
from this appropriation account to the appropriation account under sub. (7) (kb)
funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding
ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this
appropriation account and may transfer between fiscal years funds that it transfers
from the appropriation account under sub. (7) (kb) for the purposes specified in s.
46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this
appropriation account to the appropriation account under sub. (7) (bd) funds in the
amount and for the purposes specified in s. 49.45 (6v).
SECTION 3. 49.45 (24i) of the statutes is created to read:

49.45 (24i) DENTAL REIMBURSEMENT PILOT PROGRAM. (a) Subject to par. (c), from the appropriation account under s. 20.435 (4) (b), the department shall distribute $1,638,800 in each fiscal year to increase the reimbursement rate under Medical Assistance for pediatric dental care and adult emergency dental services, as determined by the department, that are provided in Brown, La Crosse, and Racine counties. The reimbursement rate for these services shall equal the 75th percentile of payment amounts that dentists report that they most often charge for these services, based on the most recent fee survey for the east north central region conducted by the American Dental Association, so that, on average, 75 percent of the fees reported are equal to or less than the increased reimbursement rate, and 25 percent of the fees reported are equal to or greater than the increased reimbursement rate.

(b) The reimbursement rate increase specified in par. (a) shall be distributed, in La Crosse and Brown Counties, on a fee-for-service basis. In Racine County, the reimbursement rate increase shall be distributed to health maintenance organizations that contract with the department to provide Medical Assistance services for a capitated rate. The department shall specify as a contract requirement that the health maintenance organizations increase Medical Assistance reimbursement, by the amount of the reimbursement rate increase, to dental service providers who make claims to the health maintenance organizations for pediatric dental care and adult emergency dental services.

(c) The department shall request a waiver from, and submit amendments to the state Medical Assistance plan to, the secretary of the federal department of health and human services, to implement pars. (a) and (b). If the state plan amendments
are approved and a waiver that is consistent with the provisions of this subsection is granted and in effect, the department shall implement pars. (a) and (b) beginning on the effective date of the waiver and shall publish a notice in the Wisconsin Administrative Register that states the date on which pars. (a) and (b) are implemented.

(d) If a reimbursement rate increase is implemented under pars. (a) and (b), the department shall, before the first day of the 12th month beginning after the reimbursement rate increase is implemented, submit a report to the appropriate standing committees of the legislature under section 13.172 (3), and to the members of the joint committee on finance. The report shall specify the effect that the reimbursement rate increase has had on dental access for Medical Assistance recipients, including all of the following:

1. The increase, if any, in all of the following:
   a. The number of dentists providing pediatric dental care and adult emergency dental services to recipients of Medical Assistance in Brown, Racine, and La Crosse Counties.
   b. The numbers of pediatric dental care and adult emergency dental services Medical Assistance patients seen.
   c. The numbers of claims for Medical Assistance reimbursement for pediatric dental care and adult emergency dental services filed.

2. Documentation on the change in volume of services provided for each allowable dental procedure code.

(e) If a reimbursement rate increase is implemented under pars. (a) and (b), the department shall, before the first day of the 26th month beginning after the
reimbursement rate increase is implemented, submit a report that complies, except
for the submittal date, with the requirements for a report under par. (d).

SECTION 4. 49.45 (24i) (title) and (e) of the statutes, as created by 2007
Wisconsin Act .... (this act), are repealed.

SECTION 5. 49.45 (24i) (a) to (d) of the statutes, as created by 2007 Wisconsin
Act .... (this act), are repealed.

SECTION 6. Fiscal changes.

(1) Dental reimbursement pilot program. In the schedule under section
20.005 (3) of the statutes for the appropriation to the department of health and family
services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007,
the dollar amount is increased by $1,638,800 for fiscal year 2008-09 for the dental
reimbursement pilot program.

SECTION 7. Effective dates. This act takes effect on the day after publication,
except as follows:

(1) The treatment of section 20.435 (4) (b) by (SECTION 2) of the statutes and the
repeal of section 49.45 (24i) (a) to (d) of the statutes take effect on the first day of the
25th month beginning after the date stated in the Wisconsin Administrative Register
by the department of health and family services under section 49.45 (24i) (c) of the
statutes, as created by this act, as the implementation date for section 49.45 (24i) (a)
and (b) of the statutes, as created by this act.

(2) The repeal of section 49.45 (24i) (title) and (e) of the statutes takes effect on
the first day of the 27th month beginning after the date stated in the Wisconsin
Administrative Register by the department of health and family services under
SECTION 7

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section 49.45 (24i) (c) of the statutes, as created by this act, as the implementation
date for section 49.45 (24i) (a) and (b) of the statutes, as created by this act.

(END)