

2009 DRAFTING REQUEST

Bill

Received: **11/10/2008**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **TJD**

Submit via email: **NO**

Pre Topic:

DOA:.....Willing, BB0194 -

Topic:

Definition of hospital for 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 11/13/2008	bkraft 11/13/2008	rschluet 11/13/2008	_____	lparisi 11/13/2008		State
/P2	rryan 01/13/2009	bkraft 01/13/2009	rschluet 01/13/2009	_____	sbasford 01/13/2009		State
/P3	rryan 02/06/2009	bkraft 02/06/2009	jfrantze 02/06/2009	_____	cduerst 02/06/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/10/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Willing

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: TJD

Submit via email: NO

Pre Topic:

DOA:.....Willing, BB0194 -

Topic:

Definition of hospital for 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 11/13/2008	bkraft 11/13/2008	rschluet 11/13/2008	_____	lparisi 11/13/2008		State
/P2	rryan 01/13/2009	bkraft 01/13/2009	rschluet 01/13/2009	_____	sbasford 01/13/2009		

FE Sent For:

1/P3 bjk 2/6

[Handwritten signature]

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/10/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Willing

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: TJD

Submit via email: NO

Pre Topic:

DOA:.....Willing, BB0194 -

Topic:

Definition of hospital for 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 11/13/2008	bkraft 11/13/2008	rschlue 11/13/2008		lparisi 11/13/2008		

FE Sent For:

/P2 bjk 1/13

Handwritten signature and date 11/30/08

<END>

2009 DRAFTING REQUEST

Bill

Received: 11/10/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Krista Willing

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: TJD

Submit via email: NO

Pre Topic:

> DOA:.....Krista Willing, BB0194 -


Topic:

Definition of hospital for 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 bjk 11/13					

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Definition of a Hospital for the purpose of Medicaid
- Tracking Code: BB0194
- SBO team: Health and Insurance
- SBO analyst:
 - Phone: Krista Willing
 - Email: krista.willing@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent: Change the statutes to permit UWHCA and other government hospitals to treat clinical facilities away from their main campus as an integral part of the hospital for Wisconsin Medicaid purposes.

(I have included language that was drafted by the hospital just to give you an idea of what we are trying to do. However, we have no expectations that their options be the final product.) Please let me know if you have further questions.

Rules
Plan

DRAFT OF AMENDMENTS TO WISCONSIN STATUTES TO PERMIT UWHCA AND OTHER GOVERNMENT HOSPITALS TO TREAT CLINICAL FACILITIES AWAY FROM THEIR MAIN CAMPUS AS AN INTEGRAL PART OF THE HOSPITAL FOR WISCONSIN MEDICAID PURPOSES

OPTION 1

Section 233.42 of Wisconsin Statutes is amended to read:

233.42 Subject to ch. 50 and ch. 150. The University of Wisconsin Hospitals and Clinics is subject to ch. 50 and ch. 150. All inpatient, ambulatory and other clinical facilities of the University of Wisconsin Hospitals and Clinics in the state of Wisconsin shall be under one hospital license under ch. 50 and shall be treated as a single hospital-based entity for purposes of the state medical assistance program and other state health care programs. When additional premises are added, they shall automatically become part of approved hospital, provided that inpatient premises have received the review required by s. 50.36(2)(a).

OPTION 2 (UW Pre-2013A)

1. Section 50.33(1r) of Wisconsin Statutes is amended to read:

50.33 (1r) "Governmental unit" means the state, any county, town, city, village, or other political subdivision or any combination thereof, department, division, board or other agency of any of the foregoing, and any public authority created under chapter 233.

2. Section 50.35 of Wisconsin Statutes is amended to read:

50.35 Application and approval. Application for approval to maintain a hospital shall be made to the department on forms provided by the department. On receipt of an application, the department shall, except as provided in s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet the requirements established by the department. Except as provided in s. 50.498, this approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval shall be issued for the governmental unit or for the premises and persons named in the application and is not transferable or assignable. All inpatient, ambulatory and other clinical premises owned or operated by a governmental unit shall be included under one certificate. Additional premises shall automatically become part of governmental unit certificate, provided that inpatient premises have received the review required by s. 50.36(2)(a). The department shall withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules and standards adopted by the department after

Deleted: may

Deleted: only

Deleted: or governmental unit

giving a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply under this section.

3. Section 49.43(5) of Wisconsin Statutes is amended to read:

(5) "Hospital" means an institution, approved by the appropriate state agency, providing 24-hour continuous nursing service to patients confined therein; which provides standard dietary, nursing, diagnostic and therapeutic facilities; and whose professional staff is composed only of physicians and surgeons, or of physicians and surgeons and doctors of dental surgery. All premises included within a hospital certificate issued to a government unit under s. 50.35 shall be considered one hospital-based entity.

lbjk

In 11/13/08

PI
el

> DOA:.....Krista Willing, BB0194 - Definition of hospital for Medical Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

LPS - please fix request sheet

SA ✓
X-ref ✓

PMR

D-N

do not gen.

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. ✓

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

2 SECTION 1. 49.45 (3) (e) 11. of the statutes is created to read:

3 49.45 (3) (e) 11. All facilities listed in a certificate of approval issued to a
4 government ^{governmental} unit or the University of Wisconsin Hospitals and Clinics Authority
5 under s. 50.35 are a hospital for purposes of reimbursement under this section. ✓

6 SECTION 2. 50.35 of the statutes is amended to read:

7 50.35 Application and approval. Application for approval to maintain a
8 hospital shall be made to the department on forms provided by the department. On

1 receipt of an application, the department shall, except as provided in s. 50.498, issue
 2 a certificate of approval if the applicant and hospital facilities meet the requirements
 3 established by the department. The department shall issue for a governmental unit
 4 or the University of Wisconsin Hospitals and Clinics Authority a single certificate of
 5 approval that applies to all of the governmental unit's or Authority's inpatient and
 6 outpatient hospital facilities that meet the requirements established by the
 7 department and for which the governmental unit or Authority requests approval.
 8 Except as provided in s. 50.498, this approval shall be in effect until, for just cause
 9 and in the manner herein prescribed, it is suspended or revoked. The certificate of
 10 approval may be issued only for the premises and persons or governmental unit
 11 named in the application and is not transferable or assignable. The department shall
 12 withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1.
 13 or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or
 14 revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or
 15 the rules and standards adopted by the department after giving a reasonable notice,
 16 a fair hearing and a reasonable opportunity to comply. Failure by a hospital to
 17 comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply
 18 under this section.

x3
 governmental

History: 1975 c. 413 ss. 4, 18; Stats. 1975 s. 50.35; 1989 a. 37; 1997 a. 93, 237.

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0680/P1dn

RLR:.....

Date

Lbjk

Krista Willing:

- > 1. As requested, I drafted this bill so that it applies to all government units, as defined in s. 50.33 (1r), and the University of Wisconsin Hospitals and Clinics Authority. Is it likely to be used by any government unit? If not, would you prefer that the bill apply only to the Authority? *governmental*
2. I did not provide in the bill that new facilities "automatically become part of the hospital certificate," because I assume that the certificate of approval is a document and that in order to make changes to the document, DHS must take some action. Further, if a hospital is not required to request that DHS amend its certificate, how will DHS know when new facilities have been completed and are open for business? I presume that current law adequately provides for amending hospital certificates of approval. Please let me know if this is not true.
3. Current law s. 49.45 (3) (e) 8. provides that Medical Assistance reimbursement for outpatient hospital services may not exceed reimbursement for comparable services performed by providers not owned or operated by hospitals. Does this provision interfere with the intent of the request?
- > 4. Do you want to provide that the bill first applies to reimbursement for hospital services provided on the effective date of the bill, or are you considering retroactive application of the 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-0680/P1dn
RLR:bjk:rs

November 13, 2008

Krista Willing:

1. As requested, I drafted this bill so that it applies to all governmental units, as defined in s. 50.33 (1r), and the University of Wisconsin Hospitals and Clinics Authority. Is it likely to be used by any governmental unit? If not, would you prefer that the bill apply only to the Authority?

2. I did not provide in the bill that new facilities "automatically become part of the hospital certificate," because I assume that the certificate of approval is a document and that in order to make changes to the document, DHS must take some action. Further, if a hospital is not required to request that DHS amend its certificate, how will DHS know when new facilities have been completed and are open for business? I presume that current law adequately provides for amending hospital certificates of approval. Please let me know if this is not true.

3. Current law s. 49.45 (3) (e) 8. provides that Medical Assistance reimbursement for outpatient hospital services may not exceed reimbursement for comparable services performed by providers not owned or operated by hospitals. Does this provision interfere with the intent of the request?

4. Do you want to provide that the bill first applies to reimbursement for hospital services provided on the effective date of the bill, or are you considering retroactive application of the bill?

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

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/13/09
Krista
- 0680

Go back to option 1 - just UW



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0680/P1

RLR:rs

bjk

RMR

In 1/13/09

DOA:.....Willing, BB0194 - Definition of hospital for Medical Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Insert

SAV

do not gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

INS →

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

2 SECTION 1. 49.45 (3) (e) 11. of the statutes is created to read:

3 49.45 (3) (e) 11. All facilities listed in a certificate of approval issued to a

4 governmental unit or the University of Wisconsin Hospitals and Clinics Authority

5 under s. 50.35 are a hospital for purposes of reimbursement under this section.

6 SECTION 2. 50.35 of the statutes is amended to read:

7 **50.35 Application and approval.** Application for approval to maintain a

8 hospital shall be made to the department on forms provided by the department. On

9 receipt of an application, the department shall, except as provided in s. 50.498, issue

1 a certificate of approval if the applicant and hospital facilities meet the requirements
2 established by the department. The department shall issue for a governmental unit
3 or the University of Wisconsin Hospitals and Clinics Authority a single certificate of
4 approval that applies to all of the governmental unit's or Authority's inpatient and
5 outpatient hospital facilities that meet the requirements established by the
6 department and for which the governmental unit or Authority requests approval.
7 Except as provided in s. 50.498, this approval shall be in effect until, for just cause
8 and in the manner herein prescribed, it is suspended or revoked. The certificate of
9 approval may be issued only for the premises and persons or governmental unit
10 named in the application and is not transferable or assignable. The department shall
11 withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1.
12 or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or
13 revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or
14 the rules and standards adopted by the department after giving a reasonable notice,
15 a fair hearing and a reasonable opportunity to comply. Failure by a hospital to
16 comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply
17 under this section.

18 (END)

ljk

1

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, a hospital must be approved by DHS to operate in this state. Upon approval, DHS issues a hospital a certificate of approval. This bill provides that DHS must issue a single hospital certificate of approval for the University of Wisconsin Hospitals and Clinics Authority (UWHCA) that applies to all of UWHCA's inpatient and outpatient facilities that satisfy DHS's requirements for a hospital and for which UWHCA requests approval. The bill also provides that all facilities listed on the hospital certificate of approval for UWHCA are a hospital for purposes of reimbursement under MA.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0680/P3dn

RLR:.....

Lbjk

Date

This draft reconciles LRB-0680^{1P2} and LRB-1152^{1P8} because they both assigned the same subdivision number to created material. Both of these drafts should continue to appear in the compiled bill.

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



RS
Lstay

In 2/6/09

DOA:.....Willing, BB0194 - Definition of hospital for Medical Assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMRC
DN

do not gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, a hospital must be approved by DHS to operate in this state. Upon approval, DHS issues a hospital a certificate of approval. This bill provides that DHS must issue a single hospital certificate of approval for the University of Wisconsin Hospitals and Clinics Authority (UWHCA) that applies to all of UWHCA's inpatient and outpatient facilities that satisfy DHS's requirements for a hospital and for which UWHCA requests approval. The bill also provides that all facilities listed on the hospital certificate of approval for UWHCA are a hospital for purposes of reimbursement under MA.

For further information see the *state* 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:

2

SECTION 1. 49.45 (3) (e) 11 of the statutes is created to read:

10 mo

① 49.45 (3) (e) 11. All facilities listed in a certificate of approval issued to the
2 University of Wisconsin Hospitals and Clinics Authority under s. 50.35 are a hospital
3 for purposes of reimbursement under this section.

4 SECTION 2. 50.35 of the statutes is amended to read:

5 **50.35 Application and approval.** Application for approval to maintain a
6 hospital shall be made to the department on forms provided by the department. On
7 receipt of an application, the department shall, except as provided in s. 50.498, issue
8 a certificate of approval if the applicant and hospital facilities meet the requirements
9 established by the department. The department shall issue a single certificate of
10 approval for the University of Wisconsin Hospitals and Clinics Authority that
11 applies to all of the Authority's inpatient and outpatient hospital facilities that meet
12 the requirements established by the department and for which the Authority
13 requests approval. Except as provided in s. 50.498, this approval shall be in effect
14 until, for just cause and in the manner herein prescribed, it is suspended or revoked.
15 The certificate of approval may be issued only for the premises and persons or
16 governmental unit named in the application and is not transferable or assignable.
17 The department shall withhold, suspend or revoke approval for a failure to comply
18 with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not
19 withhold, suspend or revoke approval unless for a substantial failure to comply with
20 ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving
21 a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure
22 by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial
23 failure to comply under this section.

24

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0680/P3dn
RLR:bjk:jf

February 6, 2009

This draft reconciles LRB-0680/P2 and LRB-1152/P8 because they both assigned the same subdivision number to created material. Both of these drafts should continue to appear in the compiled bill.

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



DOA:.....Willing, BB0194 - Definition of hospital for Medical Assistance
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current law, a hospital must be approved by DHS to operate in this state. Upon approval, DHS issues a hospital a certificate of approval. This bill provides that DHS must issue a single hospital certificate of approval for the University of Wisconsin Hospitals and Clinics Authority (UWHCA) that applies to all of UWHCA's inpatient and outpatient facilities that satisfy DHS's requirements for a hospital and for which UWHCA requests approval. The bill also provides that all facilities listed on the hospital certificate of approval for UWHCA are a hospital for purposes of reimbursement under MA.

For further information see the *state* 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:

2 **SECTION 1.** 49.45 (3) (e) 10m. of the statutes is created to read:

1 49.45 (3) (e) 10m. All facilities listed in a certificate of approval issued to the
2 University of Wisconsin Hospitals and Clinics Authority under s. 50.35 are a hospital
3 for purposes of reimbursement under this section.

4 **SECTION 2.** 50.35 of the statutes is amended to read:

5 **50.35 Application and approval.** Application for approval to maintain a
6 hospital shall be made to the department on forms provided by the department. On
7 receipt of an application, the department shall, except as provided in s. 50.498, issue
8 a certificate of approval if the applicant and hospital facilities meet the requirements
9 established by the department. The department shall issue a single certificate of
10 approval for the University of Wisconsin Hospitals and Clinics Authority that
11 applies to all of the Authority's inpatient and outpatient hospital facilities that meet
12 the requirements established by the department and for which the Authority
13 requests approval. Except as provided in s. 50.498, this approval shall be in effect
14 until, for just cause and in the manner herein prescribed, it is suspended or revoked.
15 The certificate of approval may be issued only for the premises and persons or
16 governmental unit named in the application and is not transferable or assignable.
17 The department shall withhold, suspend or revoke approval for a failure to comply
18 with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not
19 withhold, suspend or revoke approval unless for a substantial failure to comply with
20 ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving
21 a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure
22 by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial
23 failure to comply under this section.

24 (END)