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:** 

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/? /P1	rryan 11/13/2008	bkraft 11/13/2008	rschluet 11/13/200	8	lparisi 11/13/2008		State
/P2	rryan 01/13/2009	bkraft 01/13/2009	rschluet 01/13/200	9	sbasford 01/13/2009		State
/P3	rryan 02/06/2009	bkraft 02/06/2009	jfrantze 02/06/200	9	cduerst 02/06/2009		

FE Sent For:

Bill

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May Co	ntact:		Addl. Drafters:					
Subject:	Health -	- medical assis	tance		Extra Copies: TJD			
Submit	via email: <b>NO</b>							
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DOA:	Willing, BB0	194 -						
Topic:			* 1,					
Definiti	on of hospital fo	or Medical Ass	istance					
Instruc	tions:					<u>表現</u>		
See atta	ched							
Draftin	g History:							
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/P1 rryan bkraft rschluet lparisi 11/13/2008 11/13/2008 11/13/2008

FE Sent For: /PZ bj k /13

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Bill

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0/2008

Received By: rryan

Wanted: As time permits

This file may be shown to any legislator: NO

Identical to LRB:

For: Administration-Budget

By/Representing: Krista Willing

Drafter: rryan

May Contact:

Addl. Drafters:

Subject:

Health - medical assistance

Extra Copies:

TJD

Submit via email: NO

**Pre Topic:** 

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

Topic:

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**Instructions:** 

See attached

**Drafting History:** 

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Reviewed

Proofed

**Submitted** 

**Jacketed** 

Required

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rryan

/P1 bjk 1/13

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.

Rule.

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 (UU Preferred)

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

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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 8, 50.35 shall be considered one hospital-based entity.

#### 2009 - 2010 LEGISLATURE

LRB-0680/00 RLR:...:

In 11/13/08

DOA:.....Krista Willing, BB0194 – Definition of hospital for Medical

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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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:

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

government unit or the University of Wisconsin Hospitals and Clinics Authority

under s. 50.35 are a hospital for purposes of reimbursement under this section.  $\checkmark$ 

**SECTION 2.** 50.35 of the 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

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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. The department shall issue for a government unit
or the University of Wisconsin Hospitals and Clinics Authority a single certificate of
approval that applies to all of the government unit's or Authority's inpatient and
outpatient hospital facilities that meet the requirements established by the
department and for which the government unit or Authority requests approval.
Except as provided in s. 50.498, this approval shall be in effect until, for just cause
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comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply
under this section.

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

LRB-0680/P1dn RLR:...:

## LEGISLATIVE REFERENCE BUREAU

Date

## Krista Willing:

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

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## state of wisconsin – Legislative Reference Bureau

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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## State of Misconsin 2009 - 2010 LEGISLATURE

LRB-0680/PD RLR: Trs

Ta 1/13/09

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

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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:

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#### 2009-2010 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

RLR:...:

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#### **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

1/PZ

~1P8

This draft reconciles LRB-0680 and LRB-1152 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



## State of Misconsin 2009 - 2010 LEGISLATURE

LRB-0680/P2
RLR:bjk:rs

In 2/6/09

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

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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

## Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

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Dnote

# 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



## State of Misconsin 2009 - 2010 LEGISLATURE

LRB-0680/P3 RLR:bjk:jf

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

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

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