

2009 DRAFTING REQUEST

Bill

Received: **11/04/2008**

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: **tdodge**

May Contact:

Addl. Drafters:

Subject: **Health - social services**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

financial eligibility and cost share determination

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	tdodge 01/23/2009	csicilia 10/26/2009	rschluet 10/26/2009	_____	sbasford 10/26/2009		S&L
	tdodge 10/20/2009	csicilia 11/17/2009		_____			
	tdodge 11/09/2009			_____			
/P2			phenry 11/17/2009	_____	lparisi 11/17/2009		S&L

<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	tdodge 01/19/2010	csicilia 01/22/2010	jfrantze 01/22/2010	_____	cduerst 01/22/2010	cduerst 01/22/2010	S&L

FE Sent For:

<END>

↳ At Intro.

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	tdodge 10/20/2009	csicilia 11/17/2009		_____			
	tdodge 11/09/2009			_____			
/P2			phenry 11/17/2009	_____	lparisi 11/17/2009		S&L

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	tdodge 10/20/2009	csicilia 11/17/2009		_____			
	tdodge 11/09/2009			_____			
/P2		1 js 11/21/10	phenry 11/17/2009	_____	parisi 11/17/2009		S&L
			Jo 1/22		1/22		

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	tdodge 10/20/2009			_____			
	tdodge			_____			

Handwritten notes and signatures:

- P2 cjs 11/16/09
- Handwritten initials: PH, PK, etc.
- Handwritten signature: [unclear]

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<END>

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	tdodge 10/20/2009			_____			

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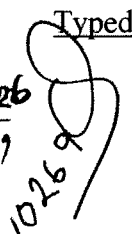
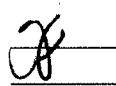
Topic:

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/P1	tdodge 01/23/2009 tdodge	/P1 cjs 10/26 09		 _____ _____ _____			

FE Sent For:

<END>



State of Wisconsin
Department of Health Services

Jim Doyle, Governor
Karen E. Timberlake, Secretary

October 31, 2008

Mr. Terry C. Anderson, Director
Joint Legislative Council
One East Main Street, Suite 401
P. O. Box 2536
Madison, WI 53701-2536

Dear Mr. Anderson:

Attached are four remedial proposals for consideration by the Law Revision Committee during the 2009-10 legislative session. As requested, each proposal highlights the specific statutory change being requested, the problem with the current statute, the need for the change, and any fiscal effect.

Questions regarding the proposals should be directed to Katie Plona, Legislative Liaison, 266-3262 or Katie.Plona@dhs.wisconsin.gov. Katie will coordinate responses with the appropriate staff in the divisions.

Please feel free to contact Katie if you have any questions. We look forward to working with you and your staff.

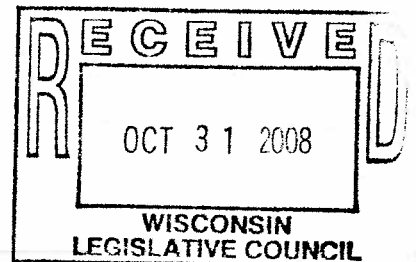
Sincerely,

A handwritten signature in black ink that reads "Karen E. Timberlake".

Karen E. Timberlake
Secretary

Enclosures

c: Katie Plona



Financial Eligibility and Cost Share Determination

Specific Statutory Change Requested

Amend s.46.283(4)(f) to require that resource centers arrange, rather than perform, a financial and cost-sharing screening for facility residents who so request and to assist residents to enroll in IRIS as well as in a Family Care care management organization.

As amended, s. 46.283(4) (f) would read:

46.283(4) (f) Perform a functional screening and arrange a financial and cost-sharing screening for any resident, as specified in par. (e), who requests a screening and assist any resident who is eligible and chooses to enroll in a care management organization or self-directed supports waiver to do so.

Problem with the Current Statute

It is economic support units, not resource centers, which perform the financial eligibility and cost share determinations. Resource centers help people gather the information for the determination and may estimate whether the person is likely to be eligible, but refer individuals to economic support for the actual determination.

ADRCs have an obligation to inform people of all available options, including the IRIS program, which was not available at the time the original statutory language was enacted.

Need for the Change

To update and correct a minor inaccuracy in the statute.

Estimate of Fiscal Effect

None.

DHS Contact: Katie Plona
266-3262

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

-0643

Put on hold per Don Dyke

Revived 10/2009 per Laura Rose



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0643/P1

TJD:/.....

In: 10/20/09 (800w)

45

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
7-10/09

Gen Cat

to participate in the

Services option

1 AN ACT ~~...~~; relating to: requiring an aging and disability resource center to
2 arrange a financial and cost-sharing screening and allowing the resource
3 center to screen and assist individuals choosing a self-directed supports waiver
4 (suggested as remedial legislation by the Department of Health Services).

(DHS)

Analysis by the Legislative Reference Bureau

* Under current law, the department of health services contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is operating. The resource center also screens individuals to determine whether they are eligible for the Family Care program. The resource center must perform a functional screening and a financial and cost-sharing screening for older persons and persons with a physical disability who are residents or prospective residents of nursing homes, community-based residential facilities, adult family homes, and residential care apartment complexes and who request a screening. The resource center must then assist an individual who chooses to enroll in a care management organization, which administers benefits under the Family Care program.

Currently, DHS also administers ^{of the} a self-directed services option, known as IRIS. This self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

This bill requires the resource center to arrange for the financial and cost-sharing screening instead of performing the screening. The bill also requires

the resource center to also assist those residents who choose to enroll in a self-directed services option.

the
FE-SL

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:

material moved from 3-17 to 4-4

SECTION 1. 46.2805 (10m) of the statutes is created to read:

46.2805 (10m) "Self-directed services option" means a program that is operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) in which an enrolled individual selects his or her own services and service providers.

Ins 26

SECTION 2. 46.283 (4) (f) of the statutes is amended to read:

46.283 (4) (f) Perform a functional screening and arrange a financial and cost-sharing screening for any resident, as specified in par. (e), who requests a screening and assist any resident who is eligible and chooses to enroll in a care management organization or a self-directed services option to do so.

material moved from 73-7 to 3-16

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991.

SECTION 3. 46.283 (4) (g) of the statutes is amended to read:

46.283 (4) (g) Perform a functional screening and arrange a financial and cost-sharing screening for any person seeking admission to a nursing home, community-based residential facility, residential care apartment complex, or adult family home, as defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center is available to the person and the facility and the person is determined by the resource center to have a condition that is expected to last at least 90 days that would require care, assistance, or supervision. A resource center may not require a financial and cost-sharing screening for a person seeking admission

as affected by 2009 Wisconsin Act 28

1 or about to be admitted on a private pay basis who waives the requirement for a
 2 financial and cost-sharing screening under this paragraph, unless the person is
 3 expected to become eligible for medical assistance within 6 months. A resource
 4 center need not perform a functional screening for a person seeking admission or
 5 about to be admitted for whom a functional screening was performed within the
 6 previous 6 months.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991; 2009 a. 2, 28.

****NOTE: I amended this paragraph because it also refers to performing a financial and cost-sharing screening. Is that okay?

7 SECTION 4. 46.281 (3) of the statutes is amended to read:

*has affected by
2009 Wisconsin
Act 28r*

8 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify to each county,
 9 hospital, nursing home, community-based residential facility, adult family home, as
 10 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
 11 which a resource center that serves the area of the county, hospital, nursing home,
 12 community-based residential facility, adult family home, or residential care
 13 apartment complex is first available to perform functional screenings and arrange
 14 financial and cost-sharing screenings. To facilitate phase-in of services of resource
 15 centers, the secretary may certify that the resource center is available for specified
 16 groups of eligible individuals or for specified facilities in the county.

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386; 2007 a. 20; 2009 a. 28.

****NOTE: I amended this paragraph because it also refers to performing a financial and cost-sharing screening. Is that okay?

move to 2-5

17 SECTION 5. 46.2805 (6r) of the statutes is amended to read:

18 46.2805 (6r) "Financial and cost-sharing screening" means a screening to
 19 determine financial eligibility under s. 46.286 (1) (b) or the self-directed services
 20 option and cost-sharing under s. 46.286 (2) using a uniform tool prescribed by the
 21 department.

STET: leave as typed

History: 1999 a. 9, 185; 2003 a. 33; 2007 a. 20, 141.

move to 2-1

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f). ✓

1 SECTION 6. 46.2805 (7) of the statutes is amended to read:

2 46.2805 (7) "Functional screening" means a screening to determine functional
3 eligibility under s. 46.286 (1) (a) on the self-directed services option using a uniform
4 tool prescribed by the department.

STET: leave as typed

History: 1999 a. 9, 185; 2003 a. 33; 2007 a. 20, 141.

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f). ✓

5

(END)

move to 2-1

Insert 2-6

as affected by 2009 Wisconsin Act 28;

Section #. 46.281 (1n) (e) of the statutes is amended to read:

46.281 (1n) (e) Contract with a person to provide the advocacy services described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family care benefit who are under age 60 or to their families or guardians. The department may not contract under this paragraph with a county or with a person who has a contract with the department to provide services under s. 46.283 (3) and (4) as a resource center or to administer the family care benefit as a care management organization. The contract under this paragraph shall include as a goal that the provider of advocacy services provide one advocate for every 2,500 individuals under age 60 who receive the family care benefit or who participates in the self-directed services option, ^{struck comma} which is operated under a waiver from the secretary of the federal department of health and human services under

*
*
*

~~42 USC 1396n (c)~~ ← plain period

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386; 2007 a. 20; 2009 a. 28.

**** Note: Please note that I eliminated the description of the self-directed services option here since the definition created in this bill applied to this paragraph.

(END)
of
INSERT

Dodge, Tamara

From: Currans-Sheehan, Rachel H - DHS [Rachel.CurransSheehan@dhs.wisconsin.gov]
Sent: Tuesday, November 03, 2009 4:06 PM
To: Dodge, Tamara
Cc: Dyke, Don; Young, Tracey; Rose, Laura
Subject: RE: Draft review: LRB 09-0655/P1 Topic: Notice regarding self-directed care
Attachments: 0655 and 0643 edits.PDF

Tami:

We agree with your comments that 0655 and 0643 should be combined into one draft. We have a few edits which I have attached as well.

Rachel H. Currans-Sheehan
 Legislative Liaison
 Department of Health Services
 Phone: (608) 266-3262
 Email: rachel.curranssheehan@wisconsin.gov

From: Rose, Laura [mailto:Laura.Rose@legis.wisconsin.gov]
Sent: Tuesday, October 27, 2009 8:11 AM
To: Currans-Sheehan, Rachel H - DHS
Cc: Dyke, Don - LEGIS; Young, Tracey - LEGIS
Subject: FW: Draft review: LRB 09-0655/P1 Topic: Notice regarding self-directed care

Rachel,

Here is one of the Law Revision drafts related to Family care. Please review this and let me know if you need any changes (or, you could let the drafter, Tami Dodge, know directly about any needed changes; just keep me in the loop).

Thanks!

Laura

Laura D. Rose, Deputy Director
 Wisconsin Legislative Council
 One East Main Street, Suite 401
 PO Box 2536
 Madison, WI 53701-2536
 tel: 608.266.9791
 fax: 608.266.3830
 laura.rose@legis.wisconsin.gov

From: Barman, Mike
Sent: Monday, October 26, 2009 4:38 PM
To: Rose, Laura
Subject: Draft review: LRB 09-0655/P1 Topic: Notice regarding self-directed care

Following is the PDF version of draft LRB 09-0655/P1.

11/3/2009



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 46.2805 (6r), 46.2805 (7), 46.281 (1n) (e), 46.281 (3), 46.283 (4)
2 (f) and 46.283 (4) (g); and **to create** 46.2805 (10m) of the statutes; **relating to:**
3 requiring an aging and disability resource center to arrange a financial and
4 cost-sharing screening and to screen and assist individuals choosing to
5 participate in the self-directed services option (suggested as remedial
6 legislation by the Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is operating. The resource center also screens individuals to determine whether they are eligible for the Family Care program. The resource center must perform a functional screening and a financial and cost-sharing screening for older persons and persons with a physical disability who are residents or prospective residents of nursing homes, community-based residential facilities, adult family homes, and residential care apartment complexes and who request a screening. The resource center must then assist an individual who chooses to enroll in a care management organization, which administers benefits under the Family Care program.

Currently, DHS also administers the self-directed services option, known as IRIS. This self-directed services option operates under a waiver of federal Medicaid

laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

This bill requires the resource center to arrange for the financial and cost-sharing screening instead of performing the screening. The bill also requires the resource center to assist those residents who choose to enroll in the self-directed services option.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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:

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

2 46.2805 (6r) "Financial and cost-sharing screening" means a screening to
3 determine financial eligibility under s. 46.286 (1) (b) or the self-directed services
4 option and cost-sharing under s. 46.286 (2) using a uniform tool prescribed by the
5 department.

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f). *good! Thanks.*

6 **SECTION 2.** 46.2805 (7) of the statutes is amended to read:

7 46.2805 (7) "Functional screening" means a screening to determine functional
8 eligibility under s. 46.286 (1) (a) or the self-directed services option using a uniform
9 tool prescribed by the department.

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f). *U*

10 **SECTION 3.** 46.2805 (10m) of the statutes is created to read:

11 46.2805 (10m) "Self-directed services option" means the program that is
12 operated under a waiver from the secretary of the federal department of health and
13 human services under 42 USC 1396n (c) in which an enrolled individual selects his
14 or her own services and service providers.

1 **SECTION 4.** 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 46.281 **(1n)** (e) Contract with a person to provide the advocacy services
4 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
5 care benefit who are under age 60 or to their families or guardians. The department
6 may not contract under this paragraph with a county or with a person who has a
7 contract with the department to provide services under s. 46.283 (3) and (4) as a
8 resource center or to administer the family care benefit as a care management
9 organization. The contract under this paragraph shall include as a goal that the
10 provider of advocacy services provide one advocate for every 2,500 individuals under
11 age 60 who receive the family care benefit or who participates in the self-directed
12 services option, ~~which is operated under a waiver from the secretary of the federal~~
13 ~~department of health and human services under 42 USC 1396n (e).~~

****NOTE: Please note that I eliminated the description of the self-directed services
option here since the definition created in this bill applied to this paragraph. U

14 **SECTION 5.** 46.281 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
15 amended to read:

16 46.281 **(3)** DUTY OF THE SECRETARY. The secretary shall certify to each county,
17 hospital, nursing home, community-based residential facility, adult family home, as
18 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
19 which a resource center that serves the area of the county, hospital, nursing home,
20 community-based residential facility, adult family home, or residential care
21 apartment complex is first available to perform functional screenings and ~~arrange~~ *delete*
22 financial and cost-sharing screenings. To facilitate phase-in of services of resource

1 centers, the secretary may certify that the resource center is available for specified
2 groups of eligible individuals or for specified facilities in the county.

***NOTE: I amended this paragraph because it also refers to performing a financial
and cost-sharing screening. Is that okay?

We are deleting this change.

3 **SECTION 6.** 46.283 (4) (f) of the statutes is amended to read:

4 46.283 (4) (f) Perform a functional screening and ~~arrange~~^{delete} a financial and
5 cost-sharing screening for any resident, as specified in par. (e), who requests a
6 screening and assist any resident who is eligible and chooses to enroll in a care
7 management organization or the self-directed services option to do so.

8 **SECTION 7.** 46.283 (4) (g) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:

10 46.283 (4) (g) Perform a functional screening and ~~arrange~~^{delete} a financial and
11 cost-sharing screening for any person seeking admission to a nursing home,
12 community-based residential facility, residential care apartment complex, or adult
13 family home, as defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the
14 resource center is available to the person and the facility and the person is
15 determined by the resource center to have a condition that is expected to last at least
16 90 days that would require care, assistance, or supervision. A resource center may
17 not require a financial and cost-sharing screening for a person seeking admission
18 or about to be admitted on a private pay basis who waives the requirement for a
19 financial and cost-sharing screening under this paragraph, unless the person is
20 expected to become eligible for medical assistance within 6 months. A resource
21 center need not perform a functional screening for a person seeking admission or
22 about to be admitted for whom a functional screening was performed within the
23 previous 6 months.

****NOTE: I amended this paragraph because it also refers to performing a financial and cost-sharing screening. Is that okay?

1

(END)

We are deleting this change.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 46.281 (1n) (e) and 46.283 (4) (e); and *to create* 46.2805 (10m)
2 of the statutes; **relating to:** requiring a resource center to provide information
3 to adults with developmental disabilities and to provide information on the
4 self-directed services option program and limiting the residents to whom the
5 resource center provides information (suggested as remedial legislation by the
6 Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is available. The resource center also screens individuals to determine whether they are eligible for the Family Care program and assists the eligible individuals in enrolling in a care management organization, which administers the benefits for the Family Care program. The resource center currently must provide information about its services to all older persons and persons with a physical disability who reside in a nursing home, community-based residential facility, adult family home, or residential care apartment complex.

Currently, DHS also administers the self-directed services option, known as IRIS. The self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

This bill requires the resource center to provide information about the self-directed services option and expands the people to whom information must be given to include adults with developmental disabilities. The bill specifies that the resource center needs to provide the information only to facility residents who are residents at the time when it is certified by DHS to begin providing information to those individuals and does not need to provide information to facility residents who participate in a publicly-funded, long-term care program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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:

1 **SECTION 1.** 46.2805 (10m) of the statutes is created to read:

2 46.2805 **(10m)** "Self-directed services option" means the program that is
3 operated under a waiver from the secretary of the federal department of health and
4 human services under 42 USC 1396n (c) in which an enrolled individual selects his
5 or her own services and service providers.

6 **SECTION 2.** 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 46.281 **(1n)** (e) Contract with a person to provide the advocacy services
9 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
10 care benefit who are under age 60 or to their families or guardians. The department
11 may not contract under this paragraph with a county or with a person who has a
12 contract with the department to provide services under s. 46.283 (3) and (4) as a
13 resource center or to administer the family care benefit as a care management
14 organization. The contract under this paragraph shall include as a goal that the
15 provider of advocacy services provide one advocate for every 2,500 individuals under
16 age 60 who receive the family care benefit or who participates in the self-directed

1 services option, which is operated under a waiver from the secretary of the federal
2 department of health and human services under 42 USC 1396n (c).

****NOTE: Please note that I eliminated the description of the self-directed services option here since the definition created in this bill applied to this paragraph. Thanks!

3 SECTION 3. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 46.283 (4) (e) Provide information about the services of the resource center,
6 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
7 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
8 self-directed services option to all older persons and persons adults with a physical
9 or developmental disability who are residents of nursing homes, community-based
10 residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and
11 residential care apartment complexes in the area of the resource center ~~when the~~
12 ~~secretary first certifies that the resource center is available to the person and the~~
13 ~~facility. Resource centers are not required to provide information to residents who~~
14 ~~are participants in the Family Care program under s. 46.286 or a program operated~~
15 ~~under a waiver from the secretary of the federal department of health and human~~
16 ~~services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).~~

****NOTE: I was unsure about the instruction for when the resource center is required to provide the information. Please confirm that my drafting of this provision meets your intent. Also, the change in this paragraph expands the types of people served under s. 46.283 (4) (f) by virtue of a cross-reference. Since that section is affected by the other law revision draft, you should consider combining this draft with LRB-0643.

see language suggestion above

(END)

Yes! Please combine w/ 0643...



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0643/P1

TJD:cjs:rs

P2

In 11/9/09

slans RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SN

Car Cat

D-4000

perform a financial screening for, provide information to

1 AN ACT to amend 46.2805 (6r), 46.2805 (7), 46.281 (1n) (e), 46.281 (3), 46.283 (4)
2 (f) and 46.283 (4) (g); and to create 46.2805 (10m) of the statutes; relating to:
3 requiring an aging and disability resource center to arrange a financial and
4 cost-sharing screening and to screen and assist individuals choosing to
5 participate in the self-directed services option (suggested as remedial
6 legislation by the Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is operating. The resource center also screens individuals to determine whether they are eligible for the Family Care program. The resource center must perform a functional screening and a financial and cost-sharing screening for older persons and persons with a physical disability who are residents or prospective residents of nursing homes, community-based residential facilities, adult family homes, and residential care apartment complexes and who request a screening. The resource center must then assist an individual who chooses to enroll in a care management organization, which administers benefits under the Family Care program.

Currently, DHS also administers the self-directed services option, known as IRIS. This self-directed services option operates under a waiver of federal Medicaid

Insert A-1

STET: leave as typed

a facility

laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

~~(This bill requires the resource center to arrange for the financial and cost-sharing screening instead of performing the screening.)~~ The bill also requires the resource center to assist those residents who choose to enroll in the self-directed services option.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

Insert
A-2

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

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

2 46.2805 (6r) "Financial and cost-sharing screening" means a screening to
3 determine financial eligibility under s. 46.286 (1) (b) or the self-directed services
4 option and cost-sharing under s. 46.286 (2) using a uniform tool prescribed by the
5 department.

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f).

6 **SECTION 2.** 46.2805 (7) of the statutes is amended to read:

7 46.2805 (7) "Functional screening" means a screening to determine functional
8 eligibility under s. 46.286 (1) (a) or the self-directed services option using a uniform
9 tool prescribed by the department.

****NOTE: Please note I expanded the definition to include the IRIS program to correspond to the change to s. 46.283 (4) (f).

10 **SECTION 3.** 46.2805 (10m) of the statutes is created to read:

11 46.2805 (10m) "Self-directed services option" means the program that is
12 operated under a waiver from the secretary of the federal department of health and
13 human services under 42 USC 1396n (c) in which an enrolled individual selects his
14 or her own services and service providers.

1 **SECTION 4.** 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 46.281 (1n) (e) Contract with a person to provide the advocacy services
4 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
5 care benefit who are under age 60 or to their families or guardians. The department
6 may not contract under this paragraph with a county or with a person who has a
7 contract with the department to provide services under s. 46.283 (3) and (4) as a
8 resource center or to administer the family care benefit as a care management
9 organization. The contract under this paragraph shall include as a goal that the
10 provider of advocacy services provide one advocate for every 2,500 individuals under
11 age 60 who receive the family care benefit or who participates in the self-directed
12 services option, ~~which is operated under a waiver from the secretary of the federal~~
13 ~~department of health and human services under 42 USC 1396n (e).~~

****NOTE: Please note that I eliminated the description of the self-directed services option here since the definition created in this bill applied to this paragraph.

14 **SECTION 5.** 46.281 (3) of the statutes, as affected by 2009 Wisconsin Act 28, is
15 amended to read:

16 46.281 (3) ~~DUTY OF THE SECRETARY.~~ The secretary shall certify to each county,
17 hospital, nursing home, community-based residential facility, adult family home, as
18 defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on
19 which a resource center that serves the area of the county, hospital, nursing home,
20 community-based residential facility, adult family home, or residential care
21 apartment complex is first available to perform functional screenings and arrange
22 financial and cost-sharing screenings. To facilitate phase-in of services of resource

1 centers, the secretary may certify that the resource center is available for specified
2 groups of eligible individuals or for specified facilities in the county.

****NOTE: I amended this paragraph because it also refers to performing a financial
and cost-sharing screening. Is that okay?

Insert 4-3

3 SECTION 6. 46.283 (4) (f) of the statutes is amended to read:

4 46.283 (4) (f) Perform a functional screening and arrange a financial and
5 cost-sharing screening for any resident, as specified in par. (e), who requests a
6 screening and assist any resident who is eligible and chooses to enroll in a care
7 management organization or the self-directed services option to do so.

8 SECTION 7. 46.283 (4) (g) of the statutes, as affected by 2009 Wisconsin Act 28,
9 is amended to read:

10 46.283 (4) (g) Perform a functional screening and arrange a financial and
11 cost-sharing screening for any person seeking admission to a nursing home,
12 community-based residential facility, residential care apartment complex, or adult
13 family home, as defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the
14 resource center is available to the person and the facility and the person is
15 determined by the resource center to have a condition that is expected to last at least
16 90 days that would require care, assistance, or supervision. A resource center may
17 not require a financial and cost-sharing screening for a person seeking admission
18 or about to be admitted on a private pay basis who waives the requirement for a
19 financial and cost-sharing screening under this paragraph, unless the person is
20 expected to become eligible for medical assistance within 6 months. A resource
21 center need not perform a functional screening for a person seeking admission or
22 about to be admitted for whom a functional screening was performed within the
23 previous 6 months.

****NOTE: I amended this paragraph because it also refers to performing a financial and cost-sharing screening. Is that okay?

1

(END)

D-note

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

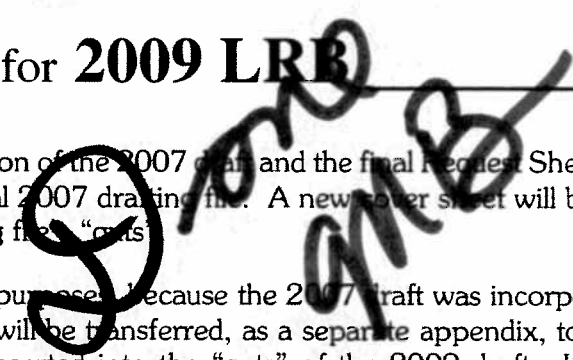
(Request Made By: TSD) (Date: 11/17/2009)



Please transfer the drafting file for

2007 LRB _____ to the drafting file

for 2009 LRB _____

 The final version of the 2007 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2009 LRB 0655 /PI (include the version) and place it in the

drafting file for 2009 LRB 0643

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



Insert A-1
State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0655/P1
TJD:cjs:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SN

1 ~~AN ACT to amend 46.281 (1n) (e) and 46.283 (4) (e); and to create 46.2805 (10m)~~
 2 ~~of the statutes; relating to:~~ requiring a resource center to provide information
 3 ~~to adults with developmental disabilities and to provide information on the~~
 4 ~~self-directed services option program and limiting the residents to whom the~~
 5 ~~resource center provides information (suggested as remedial legislation by the~~
 6 ~~Department of Health Services).~~

Analysis by the Legislative Reference Bureau

~~Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is available. The resource center also screens individuals to determine whether they are eligible for the Family Care program and assists the eligible individuals in enrolling in a care management organization, which administers the benefits for the Family Care program. The resource center currently must provide information about its services to all older persons and persons with a physical disability who reside in a nursing home, community-based residential facility, adult family home, or residential care apartment complex. (collectively "facility")~~

~~Currently, DHS also administers the self-directed services option, known as IRIS. The self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.~~

Insert A-1

Insert A-1

Insert A-2

becomes

Insert A-2

the Family Care benefit is available in the county where the facility is located.

This bill requires the resource center to provide information about the self-directed services option and expands the people to whom information must be given to include adults with developmental disabilities. The bill specifies that the resource center needs to provide the information only to facility residents who are residents at the time when it is certified by DHS to begin providing information to those individuals and does not need to provide information to facility residents who participate in a publicly-funded, long-term care program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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:

1 SECTION 1. 46.2805 (10m) of the statutes is created to read:

2 46.2805 (10m) "Self-directed services option" means the program that is
3 operated under a waiver from the secretary of the federal department of health and
4 human services under 42 USC 1396n (c) in which an enrolled individual selects his
5 or her own services and service providers.

6 SECTION 2. 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
7 is amended to read:

8 46.281 (1n) (e) Contract with a person to provide the advocacy services
9 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
10 care benefit who are under age 60 or to their families or guardians. The department
11 may not contract under this paragraph with a county or with a person who has a
12 contract with the department to provide services under s. 46.283 (3) and (4) as a
13 resource center or to administer the family care benefit as a care management
14 organization. The contract under this paragraph shall include as a goal that the
15 provider of advocacy services provide one advocate for every 2,500 individuals under
16 age 60 who receive the family care benefit or who participates in the self-directed

1 services option, which is operated under a waiver from the secretary of the federal
2 department of health and human services under 42 USC 1396n (c).

***NOTE: Please note that I eliminated the description of the self-directed services option here since the definition created in this bill applied to this paragraph.

3 SECTION 3. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
4 is amended to read:

5 46.283 (4) (e) Provide information about the services of the resource center,
6 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
7 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
8 self-directed services option to all older persons and persons adults with a physical
9 or developmental disability who are residents of nursing homes, community-based
10 residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and
11 residential care apartment complexes in the area of the resource center when the

12 secretary first certifies that the resource center is available to the person and the
13 facility. Resource centers are not required to provide information to residents who
14 are participants in the Family Care program under s. 46.286 or a program operated
15 under a waiver from the secretary of the federal department of health and human
16 services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

***NOTE: I was unsure about the instruction for when the resource center is required to provide the information. Please confirm that my drafting of this provision meets your intent. Also, the change in this paragraph expands the types of people served under s. 46.283 (4) (f) by virtue of a cross-reference. Since that section is affected by the other law revision draft, you should consider combining this draft with LRB-0643.

17 (END)

when the benefit under s. 46.286 first becomes
available in the county where the nursing
home, community-based residential facility,
adult family home, or residential care
apartment complex is located.

PLAIN PERIOD

Insert 4-3

0643/P2

TJD: cjs: ...

LRB

Research (608-266-0341)

Library (608-266-7040)

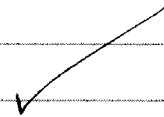
Legal (608-266-3561)

LRB

D-note

— date —

To Laura Rose:



Please review the change to s. 46.283(4)(e) to
make sure it is correct.

TJD

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

LRB-0643/P2dn
TJD:cjs:ph

November 17, 2009

To Laura Rose:

Please review the change to s. 46.283 (4) (e) to make sure it is correct.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Rose, Laura
Sent: Monday, January 18, 2010 11:57 AM
To: Dodge, Tamara
Subject: DHS bill drafts for introduction by Law Revision Committee

Attachments: SECTION Notes lrb 642.doc; SECTION Notes LRB 643.doc

Hi, Tami,

I'm attaching SECTION notes for the bill drafts that you drafted for DHS. These were approved for introduction by the Law Revision Committee. Please draft these as Senate bills and include the SECTION notes. Please give me a call with any questions or concerns.

Thank you very much!

Laura



SECTION Notes lrb 642.doc (24 ...
SECTION Notes LRB 643.doc (24 ...

Laura D. Rose, Deputy Director
Wisconsin Legislative Council
One East Main Street, Suite 401
PO Box 2536
Madison, WI 53701-2536
tel: 608.266.9791
fax: 608.266.3830
laura.rose@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0643/P2 01

TJD:cjs:ph

In: 4/19/10

RMR
Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

TODAY

84

Gen Cat

1 AN ACT *to amend* 46.2805 (6r), 46.2805 (7), 46.281 (1n) (e), 46.283 (4) (e) and
2 46.283 (4) (f); and *to create* 46.2805 (10m) of the statutes; **relating to:**
3 requiring an aging and disability resource center to perform a financial
4 screening for, provide information to, and assist individuals choosing to
5 participate in the self-directed services option (suggested as remedial
6 legislation by the Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is operating. The resource center currently must provide information about its services to all older persons and persons with a physical disability who reside in a nursing home, community-based residential facility, adult family home, or residential care apartment complex (collectively "facility"). The resource center also screens individuals to determine whether they are eligible for the Family Care program. The resource center must perform a functional screening and a financial and cost-sharing screening for older persons and persons with a physical disability who are residents or prospective residents of a facility and who request a screening. The resource center must then assist an individual who chooses to enroll in a care management organization, which administers benefits under the Family Care program.

Currently, DHS also administers the self-directed services option, known as IRIS. This self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

This bill requires the resource center to provide information about the self-directed services option and expands the people to whom information must be given to include adults with developmental disabilities. The bill specifies that the resource center needs to provide the information only to facility residents who are residents at the time when the Family Care benefit becomes available in the county where the facility is located. The bill also requires the resource center to assist those residents who choose to enroll in the self-directed services option.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council. ✓

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:

Ins 2-1

create auto ref A

1 SECTION 1. 46.2805 (6r) of the statutes is amended to read:

2 46.2805 (6r) "Financial and cost-sharing screening" means a screening to
3 determine financial eligibility under s. 46.286 (1) (b) or the self-directed services
4 option and cost-sharing under s. 46.286 (2) using a uniform tool prescribed by the
5 department.

create auto ref B

6 SECTION 2. 46.2805 (7) of the statutes is amended to read:

7 46.2805 (7) "Functional screening" means a screening to determine functional
8 eligibility under s. 46.286 (1) (a) or the self-directed services option using a uniform
9 tool prescribed by the department.

create auto ref C

10 SECTION 3. 46.2805 (10m) of the statutes is created to read:

11 46.2805 (10m) "Self-directed services option" means the program that is
12 operated under a waiver from the secretary of the federal department of health and
13 human services under 42 USC 1396n (c) in which an enrolled individual selects his
14 or her own services and service providers.

↙ create w/ brief D

1 SECTION 4. 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
2 is amended to read:

3 46.281 (1n) (e) Contract with a person to provide the advocacy services
4 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
5 care benefit who are under age 60 or to their families or guardians. The department
6 may not contract under this paragraph with a county or with a person who has a
7 contract with the department to provide services under s. 46.283 (3) and (4) as a
8 resource center or to administer the family care benefit as a care management
9 organization. The contract under this paragraph shall include as a goal that the
10 provider of advocacy services provide one advocate for every 2,500 individuals under
11 age 60 who receive the family care benefit or who participates in the self-directed
12 services option, ~~which is operated under a waiver from the secretary of the federal~~
13 ~~department of health and human services under 42 USC 1396n (e).~~

INS
3-14 →

14 SECTION 5. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,
15 is amended to read:

16 46.283 (4) (e) Provide information about the services of the resource center,
17 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
18 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the
19 self-directed services option to all older persons and persons adults with a physical
20 or developmental disability who are residents of nursing homes, community-based
21 residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and
22 residential care apartment complexes in the area of the resource center when the
23 benefit under s. 46.286 first becomes available in the county where the nursing home,
24 community-based residential facility, adult family home, or residential care
25 apartment complex is located.

INS
3-26 →

create an lrb E
↓

1 **SECTION 6.** 46.283 (4) (f) of the statutes is amended to read:

2 46.283 (4) (f) Perform a functional screening and a financial and cost-sharing
3 screening for any resident, as specified in par. (e), who requests a screening and
4 assist any resident who is eligible and chooses to enroll in a care management
5 organization or the self-directed services option to do so.

(END)

Ins 6
4-6. →

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

LRB-0643/lins
TJD:.....

1

INSERT 2-1

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., 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

(END)

Insert (not in computer)

LRB-0643/ins

use autoref D

use autoref C
(x2)

LPS:
use note: std

SECTION Notes LRB 643/P2

CS Note

~~SECTION 3~~ SECTION 3 defines the term "self-directed services option".
~~SECTION 4~~ SECTION 4 deletes language defining that term that is redundant, due to the creation of the definition in SECTION 3 of the bill.

Insert 3-14

to current residents of facilities

~~SECTION 5~~ This SECTION provides that information on family care and the self-directed services option must be provided at the point when a resource center begins providing pre-admission consultation to persons who are seeking admission to a residential facility.

Insert 3-26

CS Note

use autoref A

use autoref B

use autoref E

~~SECTION 6~~ The amendments in SECTIONS 1, 2, and 6 provide that the financial and cost-sharing screening and the functional screening under family care screen for eligibility for the self-directed services option, in addition to eligibility for the family care benefit.

Insert 4-6

CS Note

(END)

Duerst, Christina

From: Rose, Laura
Sent: Friday, January 22, 2010 11:46 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-0643/1 Topic: financial eligibility and cost share determination

Please Jacket LRB 09-0643/1 for the SENATE.