



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 684	Senate Amendment 1
<i>Memo published: April 20, 2010</i>	<i>Contact: Jessica Karls-Ruplinger, Staff Attorney (266-2230)</i>

Under *current law*, a Medical Assistance (MA) provider must accept an MA payment, plus any coinsurance, as payment in full for services. A provider may not accept and a third party may not pay a provider any supplemental payment for an MA service, and a facility that is an MA provider may not charge a fee for the admission or continued placement of an MA recipient.

2009 Senate Bill 684 provides that if two or more counties, cities, villages, or towns (political subdivisions) create a commission to operate a nursing home or ICF, and the commission imposes an assessment on its participating political subdivisions for costs incurred by the commission to operate the nursing home or ICF and to provide services to residents, the imposition of the assessment does not constitute billing a third party for services provided on behalf of an individual. Further, the payment of the assessment by a political subdivision does not constitute a purchase of services on behalf of an individual. Lastly, the imposition and payment of the assessment and the acceptance of the payment by the commission do not constitute conduct prohibited under certain state and federal MA laws.

Senate Amendment 1 provides that the imposition of an assessment is a charge internal to the commission and that the payment of the assessment by a political subdivision is a transfer of funds internal to the commission. In addition, the amendment provides that it is the intent of the Legislature to create a mechanism whereby two or more political subdivisions may share in the operation, use, and funding of a nursing home or ICF without violating certain federal MA laws.

Legislative History

Senate Amendment 1 was offered by Senator Vinehout. On April 20, 2010, the Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation recommended adoption of the amendment and passage of Senate Bill 684, as amended, on votes of Ayes, 5; Noes, 0.

JKR:ksm