



2009 SENATE BILL 96

March 3, 2009 - Introduced by Senators LEIBHAM, DARLING and ROBSON, cosponsored by Representatives LEMAHIEU, TOWNSEND, SPANBAUER, PETROWSKI and KAUFERT. Referred to Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation.

- 1 **AN ACT to repeal** 46.277 (5) (g) 3.; and **to amend** 46.277 (5) (g) 1. of the statutes;
2 **relating to:** diversions under a community integration program of Medical
3 Assistance-eligible persons from imminent entry into nursing homes.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) provides home or community-based care, under a waiver of federal Medicaid laws, to Medical Assistance (MA) recipients who are relocated from nursing homes or who meet MA level of care requirements for nursing home care. The community integration program under which this care is provided is commonly known as "CIP II." Under part of CIP II, DHS is authorized to pay an enhanced rate for MA services for persons who, on or after July 27, 2005, either are relocated from a nursing home or meet MA level of care requirements and are diverted from imminent entry into a nursing home, if the total number of persons served does not exceed the number of delicensed nursing home beds. Payment of the enhanced rate for persons who are diverted from imminent entry into a nursing home is limited to 150 persons, but, if it is likely that the number of persons so diverted will exceed 150, DHS may submit a request to the Joint Committee on Finance (JCF) of the legislature, under a passive review process, for approval to expand the number of that category of persons served.

This bill eliminates the limitation on the number of persons who meet MA level of care requirements and are diverted from imminent entry into a nursing home and for whom an enhanced rate of payment for MA services may be made under CIP II. The bill also eliminates authority for DHS to submit a request to JCF for approval to expand the number of that category of persons served.

