

2011 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB40)

Received: 06/15/2011

Received By: **tdodge**

Wanted: As time permits

Companion to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Chris McKinny**

May Contact:

Drafter: **tdodge**

Subject: **Health - medical assistance**
Health - long-term care
Health - public health

Addl. Drafters: **fknepp**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov
Chris.McKinny@legis.wisconsin.gov
Frederic.Ludwig@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Health omnibus: MA cuts, SeniorCare, Family Care

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>
/?	tdodge 06/15/2011	kfollett 06/15/2011		_____			
/1			rschluet 06/15/2011	_____	sbasford 06/15/2011	sbasford 06/15/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB40)

Received: 06/15/2011

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **Peter Barca (608) 266-5504**

By/Representing: **Chris McKinny**

May Contact:

Drafter: **tdodge**

Subject: **Health - medical assistance**
Health - long-term care
Health - public health

Addl. Drafters: **fknepp**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Barca@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov
Chris.McKinny@legis.wisconsin.gov
Frederic.Ludwig@legis.wisconsin.gov

Pre Topic:

No specific pre topic given


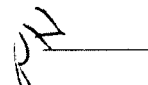
Topic:

Health omnibus: MA cuts, SeniorCare, Family Care

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>
1/?	tdodge	1/15/11 6/15					

FE Sent For:

<END>

Dodge, Tamara

From: Champagne, Rick
Sent: Wednesday, June 15, 2011 7:15 AM
To: Hanaman, Cathlene; Gary, Aaron; Tradewell, Becky; Sundberg, Christopher; Mueller, Eric; Knepp, Fern; Malaise, Gordon; Kuesel, Jeffery; Kreye, Joseph; Shovers, Marc; Kunkel, Mark; Gibson-Glass, Mary; Gallagher, Michael; Kahler, Pam; Hurley, Peggy; Grant, Peter; Nelson, Robert; Kite, Robin; Miller, Steve; Dodge, Tamara; Kuczenski, Tracy
Subject: FW: health omnibus
Attachments: Health Omnibus 6.15.11.doc

From: McKinny, Chris
Sent: Wednesday, June 15, 2011 12:40 AM
To: Champagne, Rick; Hanaman, Cathlene
Cc: Ludwig, Frederic
Subject: health omnibus

Rick and Cathlene,

Could you please have someone redraft our "Health Omnibus" with the provisions in the attached document?

Please contact Fred from Rep. Pasch's office or me with any questions you may have.

Thanks,
Chris

Chris McKinny
Office of Rep. Donna Seidel
Assistant Democratic Leader
608-266-0654 (office)
1-888-534-0085 (toll free)



Health Omnibus
6.15.11.doc (30...

Health Omnibus

MA Cuts

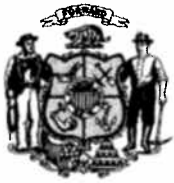
1. Require that \$466 million in “unspecified cuts” be made through efficiencies and other administrative changes
 - a. Prohibit any changes to eligibility, services, benefits, or cost-sharing in achieving cuts
2. Require DHS to hold public hearing on any changes
3. Require any changes be subject to full legislative approval
4. Remove ability for DHS to superseding existing statute
5. Delete requirement for DHS to reduce income eligibility levels if federal waiver not granted

SeniorCare

- Require DHS to seek waiver for continuation of SeniorCare beyond 2012

Family Care

- Remove Family Care cap
- Require the LAB to study the cost- effectiveness of the Family Care, PACE, Family Care Partnership, and IRIS programs. The study must compare: (a) the cost-effectiveness of each program to each of the other programs; (b) the cost-effectiveness of each program to the benefits provided through medical assistance card services; and (c) the cost-effectiveness of the care that individuals receive before they enroll in one of the Family Care, PACE, Family Care Partnership, and IRIS programs to the care that the individuals receive in one of those programs; and (d) the cost-effectiveness of the care to institutionalized care
 - Further, require LAB to present the findings of its study by March 1, 2012.
- Require DHS to leverage federal “Money Follows the Person” funding to relocate institution residents into Family Care, Partnership, or IRIS



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb13511

TJD...

In: 6/15/11

RmNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2011 ASSEMBLY BILL 40

Ins FFK-1

Ins 61096-1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 571, line 9: after "programs" insert " , except that the department may
3 not implement a policy that supersedes a statute".

4 2. Page 572, line 1: delete lines 1 to 14 and substitute:

5 "(d) 1. Before implementing a policy proposed under par. (c), the department
6 shall hold a public hearing on those changes.

7 2. Before implementing a policy proposed under par. (c), the department shall
8 request that the legislative reference bureau draft legislative ^{on} to incorporate that

9 change into the statutes. The secretary shall submit the proposed legislation to the
10 standing committee of each house of the legislature that has jurisdiction over

Medical Assistance matters under s. 13.172 (3)."

Ins 61103

1 **3.** Page 573, line 20: delete the material beginning with “repealed and” and
2 ending with “is” on line 24.

3 **4.** Page 575, line 17: delete the material beginning with “repealed and” and
4 ending with “is” on line 21.

5 **5.** Page 578, line 18: delete the material beginning with “Unless otherwise”
6 and ending with “reimbursement” on line 19 and substitute “Reimbursement”.

7 **6.** Page 578, line 24: delete the material beginning with that line and ending
8 with page 579, line 6.

9 **7.** Page 579, line 13: delete the material beginning with “supervision,” and
10 ending with “sub. (2m) (e).” on line 22 and substitute “supervision.”

11 **8.** Page 580, line 1: delete the material beginning with “Unless” and ending
12 with “, the” on line 2 and substitute “The”.

13 **9.** Page 580, line 9: delete lines 9 to 18.

14 **10.** Page 581, line 2: delete the material beginning with “unless” and ending
15 with “(c)” on line 3.

16 **11.** Page 581, line 7: delete lines 7 to 19.

17 **12.** Page 582, line 20: delete the material beginning with “Unless” and ending
18 with “, no” on line 21 and substitute “No”.

19 **13.** Page 583, line 1: delete lines 1 to 15.

20 **14.** Page 583, line 19: delete the material beginning with “, unless” and ending
21 with “(c)” on line 20.

22 **15.** Page 583, line 21: delete lines 21 to 32.

1 **16.** Page 584, line 3: delete the material beginning with “Unless” and ending
2 with “(c), the” on line 4 and substitute “The”.

3 **17.** Page 584, line 6: delete lines 6 to 10.

4 **18.** Page 584, line 16: delete the material beginning with “received, unless”
5 and ending with ^{“(2m)(c)” on} line 24 and substitute “received.”

6 **19.** Page 585, line 9: delete the material beginning with “If the department”
7 and ending with ^{“policy.” on} line 22.

8 **20.** Page 586, line 3: delete the material beginning with “Unless” and ending
9 with “, cost” on line 4 and substitute “Cost”.

10 **21.** Page 586, line 10: delete lines 10 to 21.

11 **22.** Page 587, line 7: delete lines 7 to 20.

12 **23.** Page 588, line 5: delete “is amended” and substitute “, as affected by 2011
13 Wisconsin Act 10, is repealed and recreated”.

14 **24.** Page 588, line 11: delete the material beginning with “If the department”
15 and ending with “policy.” on line 12.

16 **25.** Page 588, line 13: delete “is amended” and substitute “, as affected by 2011
17 Wisconsin Act 10, is repealed and recreated”.

18 **26.** Page 588, line 18: delete the material beginning with “waiver. If the” and
19 ending with “policy.” on line 20 and substitute “waiver.”

20 **27.** Page 589, line 2: delete the material beginning with “, unless” and ending
21 with “10” on line 3.

22 **28.** Page 589, line 13: delete lines 13 to 21.

1 **29.** Page 590, line 9: delete the material beginning with “If the department”
2 and ending with “~~policy.~~” on line 24.

3 **30.** Page 591, line 6: delete the material beginning with “42 USC 1396b (v),”
4 and ending with “~~sub. (2m) (c).~~” on line 14 and substitute “42 USC 1396b (v).”.

5 **31.** Page 591, line 21: delete the material beginning with “unless” and ending
6 with “(2m) (c),” on line 22.

7 **32.** Page 592, line 5: delete the material beginning with “unless” and ending
8 with “(2m) (c),” on line 6.

9 **33.** Page 593, line 3: delete the material beginning with that line and ending
10 with page 594, line 14.

11 **34.** Page 597, line 6: delete the material beginning with “repealed” and ending
12 with “is” on line 10.

13 **35.** Page 597, line 13: delete the material beginning with “and unless” and
14 ending with “(2m) (c)” on line 14.

15 **36.** Page 597, line 17: delete lines 17 to 22.

16 **37.** Page 598, line 1: delete the material beginning with “and unless” and
17 ending with “(2m) (c)” on line 2.

18 **38.** Page 598, line 5: delete lines 5 to 10.

19 **39.** Page 601, line 5: delete the material beginning with “Unless” and ending
20 with “(2m) (c), a” on line 6 and substitute “A”.

21 **40.** Page 601, line 11: delete lines 11 to 18.

22 **41.** Page 603, line 3: delete the material beginning with “Unless” and ending
23 with “(2m) (c), any” on line 6 and substitute “Any”.

1 ✓
42. Page 603, line 7: delete lines 7 to 12.

2 ✓
43. Page 604, line 23: delete the material beginning with “repealed” and
3 ending with “is” on page 605, line 5.

4 ✓
44. Page 605, line 8: delete the material beginning with “Unless” and ending
5 with “(2m) (c), the” on line 6 and substitute “The”.

6 ✓
45. Page 605, line 11: delete lines 11 to 15.

7 ✓
46. Page 608, line 4: delete the material beginning with “repealed” and ending
8 with “is” on line 9.

9 ✓
47. Page 608, line 12: delete the material beginning with “and unless” and
10 ending with “(2m) (c)” on line 13.

11 ✓
48. Page 608, line 16: delete lines 16 to 21.

12 ✓
49. Page 608, line 25: delete the material beginning with “Unless” and ending
13 with “(2m) (c), the” on page 609, line 1, and substitute “The”.

14 ✓
50. Page 609, line 4: delete lines 4 to 10.

15 ✓
51. Page 610, line 1: delete the material beginning with “Unless” and ending
16 with “(2m) (c), a” on line 2 and substitute “A”.

17 ✓
52. Page 610, line 6: delete lines 6 to 12.

18 ✓
53. Page 610, line 19: delete the material beginning with “, unless” and ending
19 with “49.45 (2m) (c)” on line 20.

20 ✓
Ins 61096-2
21 **54.** Page 610, line 21: delete the material beginning with that line and ending
with page 611, line 3.





State of Wisconsin
2011 - 2012 LEGISLATURE

Insert



LRBb1096/1
TJD:kjf&cjs:rs

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 40

1 At the locations indicated, amend the substitute amendment as follows:
2

Insert b1096-1

1. Page 342, line 3: after that line insert:

3 "SECTION 642d. 20.435 (4) (bv) of the statutes is amended to read:

4 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* Biennially, the
5 amounts in the schedule for payment to pharmacies and pharmacists under s. 49.688
6 (7) for prescription drug assistance for elderly persons and, if there are moneys
7 remaining after payments to pharmacies and pharmacists, for the purposes under
8 s. 49.688 (13)."

9 2. Page 342, line 21: after that line insert:

10 "SECTION 646j. 20.435 (4) (j) of the statutes is amended to read:

11 20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*

12 All moneys received from rebate payments by manufacturers under s. 49.688 (6), to

1 be used for payment to pharmacies and pharmacists under s. 49.688 (7) for
2 prescription drug assistance for elderly persons and, if there are moneys remaining
3 after payments to pharmacies and pharmacists, for the purposes under s. 49.688
4 (13).

5 **SECTION 646k.** 20.435 (4) (jb) of the statutes is amended to read:

6 20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All
7 moneys received from payment of enrollment fees under s. 49.688 (3), to be used for
8 administration of the program under s. 49.688 and, if there are moneys remaining
9 after paying for program administration, for the purposes under s. 49.688 (13).".

(End Ins 61096)

Ins 61096-2

10 **3.** Page 612, line 16: after that line insert:

11 "SECTION 1481k. 49.688 (13) of the statutes is created to read:

12 49.688 (13) If there are moneys available in the appropriation accounts under
13 s. 20.435 (4) (bv), (j), or (jb), the department shall use those moneys to reduce
14 enrollment costs for individuals participating in the program under this section, to
15 reduce the prices paid by individuals in the program under this section for
16 prescription drugs, and to enlarge the number of prescription drugs available under
17 the program under this section."

(End 61096-2)

Ins 61096-3

18 **4.** Page 1454, line 10: after that line insert:

19 "(9f) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY CONTINUATION. The department
20 of health services shall request from the federal secretary of health and human
21 services any waiver of federal medicaid laws necessary to permit the department of
22 health services to continue administering the program under section 49.688 of the

1 statutes. The department shall implement any waiver received under this
2 subsection.”.

3

(END)

(End Ins 61096-3)



State of Wisconsin
2011 - 2012 LEGISLATURE

Insert



LRBb1103/1
TJD:jld:ph

~~ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 40~~

Ins 61103

1
2
3
4

~~At the locations indicated, amend the substitute amendment as follows:~~

1. Page 572, line 25: delete the material beginning with "If the waiver" and ending with "42 USC 1396a (gg) (3)." on page 573, line 5.

(END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1351/FKins
FFK:.....

INS FFK-1

1 1. Page 510, line 21: after that line insert:

2 "SECTION 1298m. 46.281 (1n) (g) of the statutes is created to read:

3 46.281 (1n) (g) The department shall use funds received for the money follows
4 the person rebalancing demonstration project authorized under section 6071 of the
5 federal Deficit Reduction Act of 2005 to enroll individuals receiving institutional care
6 in the family care program under s. 46.826, the family care partnership program
7 operated under an amendment to the state medical assistance plan, as authorized
8 in 42 USC 1396n (i), or the self-directed services option operated under a waiver
9 from the secretary of the federal department of health and human services under 42
10 USC 1396n (c)."

11 2. Page 1449, line 7: delete the material beginning with that line and ending
12 with page 1452, line 18, and substitute:

13 "(3h) LONG-TERM CARE COST-EFFECTIVENESS STUDY.

14 (a) In this subsection:

15 1. "Family care partnership program" means an integrated health and
16 long-term care program operated under an amendment to the state medical
17 assistance plan, as authorized in 42 USC 1396n (i).

18 2. "Family care program" means the benefit program under section 46.286 of
19 the statutes.

20 3. "Institutional facility" means a nursing home under section 50.01 (3) of the
21 statutes, an intermediate care facility for persons with mental retardation under
22 section 50.14 (1) (b) of the statutes, or a center for the developmentally disabled
23 under section 51.01 (3) of the statutes.

INS
FFK-2

- 1 4. "Long-term care programs" means all of the following:
- 2 a. The family care program.
- 3 b. The self-directed services option.
- 4 c. The family care partnership program.
- 5 d. The program for all-inclusive care for the elderly under 42 USC 1396u-4.

6 (4) "Self-directed services option" means the program operated under a waiver
 7 from the secretary of the federal department of health and human services under 42
 8 USC 1396n (c) that allows participants to self-manage publicly funded long-term
 9 care services.

10 (b) The joint legislative audit committee is requested to direct the legislative
 11 audit bureau to conduct a performance evaluation of the family care program, the
 12 family care partnership program, the self-directed services option, and the program
 13 for all-inclusive care of the elderly under 42 USC 1396u-4. If conducted, the audit
 14 shall compare the cost-effectiveness of each program to each of the other programs;
 15 the cost-effectiveness of each program to the benefits provided to medical assistance
 16 recipients under section 49.46 (2) (a) and (b) of the statutes; the cost-effectiveness
 17 of the care that individuals receive before they enroll in a long-term care program
 18 to the care that the individuals receive in a long-term care program; and the cost
 19 effectiveness of the care individuals receive in a long-term care program to the cost
 20 of care in an institutional facility. If the committee directs the legislative audit
 21 bureau to conduct the audit, the bureau shall file its reports in the manner described
 22 under section 13.94 (1) (b) of the statutes by March 1, 2012."

(End Ins FFIL-2)



State of Wisconsin
2011 - 2012 LEGISLATURE

Insert



LRBb1097/1
TJD:jld:ph

~~ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 40~~

Insert b1097

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1456, line 20: after that line insert: *reduce eligibility*

3 "(13c) MEDICAL ASSISTANCE UNSPECIFIED REDUCTIONS. Notwithstanding section

4 49.45 (2m) (c) of the statutes, as affected by this act, the department of health

5 services may not implement any cost savings measures under section 49.45 (2m) (c)

6 of the statutes, as affected by this act, that *orig increase cost-sharing for recipients* reduce services or benefits to Medical

7 Assistance recipients. The department of health services shall, when implementing

8 any cost savings measures to the Medical Assistance program under section 49.45

9 (2m) (c) of the statutes, as affected by this act, improve efficiencies, eliminate overlap,

10 and implement other administrative measures."

11 (END)