

SENATE BILL 380 (LRB -3761)

An Act to affect 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c), 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7., 2011 Wisconsin Act 32, section 9121 (1g) (a) (intro.), 1. to 3. and 5. and 8., 2011 Wisconsin Act 32, section 9121 (2g), 2011 Wisconsin Act 32, section 9121 (3g), 2011 Wisconsin Act 32, section 9121 (3g) (bm) (title) and 2011 Wisconsin Act 32, section 9121 (5); relating to: removing cap on enrollment of Family Care and other long-term care programs. (FE)

2012

01-17.	S.	Introduced by Senators Moulton, Vukmir, Carpenter, Harsdorf, Erpenbach, Jauch, Wanggaard, Risser and C. Larson ; cosponsored by Representatives Kaufert, Kestell, Van Roy, Brooks, Doyle, A. Ott, Ziegelbauer, Bernier, Richards, Steinbrink, Ripp, Tranel, Molepske Jr, Grigsby, Stone, Endsley, Wynn, Fields, Staskunas, Jorgensen, Pasch, Sinicki, Petryk, Danou and Spanbauer.	
01-17.	S.	Read first time and referred to committee on Public Health, Human Services, and Revenue	652
01-18.	S.	Senator Schultz added as a coauthor	658
01-25.	S.	Withdrawn from committee on Public Health, Human Services, and Revenue and rereferred to committee on Health, pursuant to Senate Rule 46 (2)(c)	672
02-09.	S.	Public hearing held.	
02-09.	S.	Fiscal estimate received.	
02-10.	S.	Executive action taken.	
02-10.	S.	Report passage recommended by committee on Health, Ayes 5, Noes 0	697
02-10.	S.	Available for scheduling.	
02-10.	S.	Senator Holperin added as a coauthor	697
02-13.	S.	Placed on calendar 2-14-2012 pursuant to Senate Rule 18(1)	698
02-14.	S.	Senator Lassa added as a coauthor	701
02-14.	S.	Senator Miller added as a coauthor	701
02-14.	S.	Read a second time	706
02-14.	S.	Ordered to a third reading	706
02-14.	S.	Rules suspended	706
02-14.	S.	Read a third time and passed , Ayes 33, Noes 0	706
02-14.	S.	Ordered immediately messaged	708
02-16.	A.	Received from Senate	802
02-21.	A.	Read first time and referred to committee on Aging and Long-Term Care	823
02-23.	A.	Public hearing held.	
02-24.	A.	Assembly amendment 1 offered by Representative Knodl (LRB a2456)	853
02-28.	A.	Executive action taken.	
02-29.	A.	Report Assembly Amendment 1 adoption recommended by committee on Aging and Long-Term Care, Ayes 4, Noes 2	863
02-29.	A.	Report concurrence as amended recommended by committee on Aging and Long-Term Care, Ayes 6, Noes 0	863
02-29.	A.	Referred to committee on Rules	863
03-02.	A.	Placed on calendar 3-6-2012 by committee on Rules.	
03-06.	A.	Assembly amendment 2 offered by Representative Kooyenga (LRB a2695)	874
03-06.	A.	Assembly amendment 2 withdrawn and returned to author	896
03-06.	A.	Assembly amendment 1 to Assembly amendment 1 offered by Representatives Bernard Schaber, Barca and Pasch (LRB a2594)	874
03-06.	A.	Made a special order of business at 11:14 A.M. on 3-13-2012 pursuant to Assembly Resolution 22	894
03-13.	A.	Read a second time.	
03-13.	A.	Assembly amendment 1 to Assembly amendment 1 laid on table, Ayes 57, Noes 37.	
03-13.	A.	Refused to reject Assembly amendment 1, Ayes 36, Noes 58.	
03-13.	A.	Assembly amendment 1 adopted.	
03-13.	A.	Ordered to a third reading.	
03-13.	A.	Rules suspended.	
03-13.	A.	Read a third time and concurred in as amended, Ayes 87, Noes 6, Paired 2.	
03-13.	A.	Ordered immediately messaged.	
03-13.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted.	
03-14.	S.	Available for scheduling.	
03-14.	S.	Rules suspended and taken up.	
03-14.	S.	Assembly amendment 1 concurred in .	
03-14.	S.	Action ordered immediately messaged.	

9MB

2011
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ADOPTED DOCUMENTS:

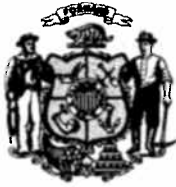
Orig **Engr** **SubAmdt** 11-3761/1

Amendments to above (if none, write "NONE"): AA-1 (a 2456/1)

Corrections - show date (if none, write "NONE"): NONE

Topic RELATING CLAUSE

3/14/12 CMH
Date **Enrolling Drafter**



2011 SENATE BILL 380

January 17, 2012 - Introduced by Senators MOULTON, VUKMIR, CARPENTER, HARSDORF, ERPENBACH, JAUCH, WANGGAARD, RISSER and C. LARSON, cosponsored by Representatives KAUFERT, KESTELL, VAN ROY, BROOKS, DOYLE, A. OTT, ZIEGELBAUER, BERNIER, RICHARDS, STEINBRINK, RIPP, TRANEL, MOLEPSKE JR, GRIGSBY, STONE, ENDSLEY, WYNN, FIELDS, STASKUNAS, JORGENSEN, PASCH, SINICKI, PETRYK, DANOU and SPANBAUER. Referred to Committee on Public Health, Human Services, and Revenue.

1 **AN ACT** *to affect* 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c), 2011
2 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7., 2011 Wisconsin Act 32,
3 section 9121 (1g) (a) (intro.), 1. to 3. and 5. and 8., 2011 Wisconsin Act 32, section
4 9121 (2g), 2011 Wisconsin Act 32, section 9121 (3g), 2011 Wisconsin Act 32,
5 section 9121 (3g) (bm) (title) and 2011 Wisconsin Act 32, section 9121 (5);
6 **relating to:** removing cap on enrollment of Family Care and other long-term
7 care programs. *INS REL AA-1*

Analysis by the Legislative Reference Bureau

Under current law, Family Care, Family Care Partnership, the Program of All-Inclusive Care for the Elderly (PACE), and the self-directed services option known as IRIS (collectively known as long-term care programs) provide community-based, long-term care services to individuals who meet certain functional and financial criteria and who are either frail elders or adults with physical or developmental disabilities. In a county where a long-term care program is available, the 2011-2013 biennial budget act (2011 Wisconsin Act 32) caps the enrollment in long-term care programs until June 30, 2013, for a resource center service area at the number of individuals enrolled in those programs in that service area on June 30, 2011, with exceptions for certain individuals relocating from an institutional facility. This bill removes the cap on enrollment in long-term care programs.

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Family Care currently is not available in all counties. The 2011-2013 biennial budget act prohibits the Department of Health Services (DHS) from contracting with entities to administer Family Care in a county that does not administer Family Care as of July 1, 2011, unless DHS determines that administering Family Care in that county would be more cost-effective than the current long-term care service delivery mechanism. This bill eliminates the prohibition on expansion of Family Care.

The 2011-2013 biennial budget act allocates moneys for DHS to provide services and support items offered through Family Care to individuals who are on a waiting list for a long-term care program and who are in urgent need of long-term care services, as determined by DHS. This bill eliminates that funding allocation.

Currently, as required by the 2011-2013 biennial budget act, DHS must study various aspects of the cost-effectiveness of the long-term care programs. This bill does not alter that requirement.

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:

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2.

1 SECTION 1. 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c) are
2 repealed.

1c.
AA-1 3.

3 SECTION 2. 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7. are
4 repealed.

5 SECTION 3. 2011 Wisconsin Act 32, section 9121 (1g) (a) (intro.), 1. to 3. and 5.
6 and 8. are renumbered 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 1.
7 to 5., and 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 4. (intro.), as
8 renumbered, are amended to read:

9 [2011 Wisconsin Act 32] Section 9121 (3g) (am) *Definitions.* (intro.) In this
10 subsection and subsections (2g) and (3g):

11 4. (intro.) "Long-term care program" means any of the following that are
12 available in a county ~~on June 30, 2011, or the effective date of this subdivision,~~
13 ~~whichever is later:~~

14 SECTION 4. 2011 Wisconsin Act 32, section 9121 (2g) is repealed.



ASSEMBLY AMENDMENT 1,
TO 2011 SENATE BILL 380

February 24, 2012 - Offered by Representative KNODL.

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 7: after "programs" insert "and review of Family Care contracts
3 by the Joint Committee on Finance".

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4 2. Page 2, line 1: before that line insert:

5 "SECTION 1g. 46.281 (1g) (b) of the statutes is amended to read:

6 46.281 (1g) (b) If the department proposes to contract with entities to
7 administer the family care benefit in geographic areas in which, in the aggregate,
8 resides more than 29 percent of the state population that is eligible for the family care
9 benefit, the department shall first ~~notify~~ submit to the joint committee on finance in
10 writing of the proposed contract for the approval of the committee. The ~~notification~~
11 submission shall include the contract proposal; and an estimate of the fiscal impact
12 of the proposed addition that demonstrates that the addition will be cost neutral,
13 including startup, transitional, and ongoing operational costs and any proposed

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1 county contribution. The ~~notification~~ submission shall also include, for each county
2 affected by the proposal, documentation that the county consents to administration
3 of the family care benefit in the county, the amount of the county's payment or
4 reduction in community aids under s. 46.281 (4), and a proposal by the county for
5 using any savings in county expenditures on long-term care that result from
6 administration of the family care benefit in the county. ~~If the cochairpersons of the~~
7 ~~committee do not notify the department within 14 working days after the date of the~~
8 ~~department's notification that the committee has scheduled a meeting for the~~
9 ~~purpose of reviewing the proposed contract, the department may enter into the~~
10 ~~proposed contract. If within 14 working days after the date of the department's~~
11 ~~notification the cochairpersons of the committee notify the department that the~~
12 ~~committee has scheduled a meeting for the purpose of reviewing the proposed~~
13 ~~contract, the~~ The department may enter into the proposed contract only if the
14 committee approves the proposed contract ~~or if the committee fails to act on the~~
15 ~~proposed contract within 59 working days after the date of the department's~~
16 ~~notification. The procedures under s. 13.10 do not apply to this paragraph.~~

17 **3.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1r".

18 (END)