



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBs0406/1
TJD:kjf&jld:rs

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 297**

March 9, 2012 – Offered by Senator GALLOWAY.

1 **AN ACT** *to repeal* 20.566 (1) (gn), 25.77 (13) and 146.98; and *to create* 146.98 (6)
2 of the statutes; **relating to:** refunds under ambulatory surgical center
3 assessment and eliminating ambulatory surgical center assessment.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Revenue (DOR) may impose an assessment on ambulatory surgical centers. The Department of Health Services (DHS) allocates any assessment among the ambulatory surgical centers in proportion to their gross patient revenue. The DOR, if it imposes an assessment, must transfer 99.5 percent of the moneys collected to the Medical Assistance (MA) trust fund, which pays some of the costs for the MA program. This substitute amendment eliminates on July 1, 2013, the ability for DOR to impose this assessment on ambulatory surgical centers.

In the time before the assessment is eliminated, if the federal government does not pay the federal share under the MA program for any payment made with ambulatory surgical center assessment revenue, the substitute amendment requires DHS to refund to ambulatory surgical centers the amount of assessment revenue for which the federal government does not pay its share. In addition, the substitute amendment requires DHS to recoup any payments that are made with ambulatory

surgical center assessment revenue and for which the federal government does not pay its share under the MA program.

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

1 **SECTION 1.** 20.566 (1) (gn) of the statutes is repealed.

2 **SECTION 2.** 25.77 (13) of the statutes is repealed.

3 **SECTION 3.** 146.98 of the statutes, as affected by 2011 Wisconsin Act ... (this
4 act), is repealed.

5 **SECTION 4.** 146.98 (6) of the statutes is created to read:

6 146.98 **(6)** (a) If the federal government does not provide federal financial
7 participation under the federal Medicaid program for amounts collected under this
8 section that are transferred under sub. (4) and used to make payments from the
9 Medical Assistance trust fund, the department shall, from the fund from which the
10 payment or expenditure was made, refund ambulatory surgical centers the amount
11 for which the federal government does not provide federal financial participation.

12 (b) If the department makes a refund under par. (a) as result of failure to obtain
13 federal financial participation under the federal Medicaid program for a payment
14 from the Medical Assistance trust fund, the department shall recoup the part of the
15 payment for which the federal government does not provide federal financial
16 participation.

17 (c) Moneys recouped under par. (b) for payments made from the Medical
18 Assistance trust fund shall be deposited in the Medical Assistance trust fund.

19 **SECTION 5. Effective dates.** This act takes effect on the day after publication,
20 except as follows:

