



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 408

**Assembly Substitute
Amendment 2**

Memo published: March 14, 2012

Contact: Brian T. Larson, Staff Attorney (266-0680)

Currently, the Department of Revenue (DOR) may impose an assessment on ambulatory surgical centers. If DOR does impose such an assessment, it must transfer 99.5% of the funds collected to the Medical Assistance (MA) trust fund. Currently, the federal government provides federal financial participation under the Medicaid program for funds that are collected under the assessment on ambulatory surgical centers and deposited in, and used to make payments from, the MA trust fund. **2011 Assembly Bill 408**, as introduced, would eliminate DOR's authority to impose the assessment on ambulatory surgical centers, beginning on July 1, 2013.

Assembly Substitute Amendment 2 does *not* eliminate DOR's authority to impose the assessment on ambulatory surgical centers beginning on July 1, 2013. Instead, under the substitute amendment, if at any time the federal government no longer provides federal financial participation for funds collected under the assessment on ambulatory surgical centers, as described above, the following provisions will apply:

- The funds collected under the assessment on ambulatory surgical centers must be refunded to the ambulatory surgical centers to the extent the federal government does not provide financial participation;
- The Department of Health Services (DHS) must recoup the payments made from the MA trust fund for which the federal government does not provide financial participation; and
- The payments recouped by DHS must be re-deposited in the MA trust fund.

Legislative History

Assembly Substitute Amendment 2 to 2011 Assembly Bill 408 was offered by the Assembly Committee on Health on March 13, 2012. On that date, the committee recommended adoption of Assembly Substitute Amendment 2 on a vote of Ayes, 9; Noes, 1, and recommended passage of the bill, as amended, on a vote of Ayes, 10; Noes, 0.

BTL:jal