

2019 DRAFTING REQUEST

Bill

For: **Robert Brooks (608) 267-2369** Drafter: **swalkenh**
 By: **Darla** Secondary Drafters:
 Date: **1/23/2019** May Contact:

Same as LRB: **-3987**



Submit via email: **YES**
 Requester's email: **Rep.Rob.Brooks@legis.wisconsin.gov**
 Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Reimbursement rate increase for home health services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/22/2019	aernstr 2/22/2019			
/P1	swalkenh 3/14/2019		jmurphy 2/22/2019		State
/P2	swalkenh 4/3/2019	aernstr 3/15/2019	dwalker 3/15/2019		State
/P3	swalkenh 7/24/2019	aernstr 4/4/2019	lparisi 4/4/2019		State
/P4		aernstr	mbarman		State

Vers. Drafted

Reviewed
7/24/2019

Submitted
7/24/2019

Jacketed

Required

/1

dwalker
8/19/2019

dwalker
8/19/2019

State

FE Sent For:

<END>

→ At
Intro.

Walkenhorst Barber, Sarah

From: Flemming, Darla
Sent: Monday, July 15, 2019 2:41 PM
To: Walkenhorst Barber, Sarah
Subject: LRB-1582/P3

Hi Sarah,

We'd like to make some changes to LRB-1582/P3. We no longer wish to pursue expansion of the telehealth definition within home health settings. In short, we'd only like to keep the 10% reimbursement rate increase. Additionally, we'd like the reimbursement increase money to come from existing DHS appropriations.

Please let me know if you have any questions.

Best,
Darla

Darla Flemming
Office of Rep. Rob Brooks
60th Assembly District
(608) 267-2369

2019 DRAFTING REQUEST

Bill

For: **Robert Brooks (608) 267-2369** Drafter: **swalkenh**
 By: **Darla** Secondary Drafters:
 Date: **1/23/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Rob.Brooks@legis.wisconsin.gov**
 Carbon copy (CC) to: **sarah.walkenhorstbarber@legis.wisconsin.gov**
tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Adding reimbursement for certain home health services provided by nurses through telehealth

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/22/2019	aernstr 2/22/2019			
/P1	swalkenh 3/14/2019		jmurphy 2/22/2019		State
/P2	swalkenh 4/3/2019	aernstr 3/15/2019	dwalker 3/15/2019		State
/P3		aernstr 4/4/2019	lparisi 4/4/2019		State

FE Sent For:

<END>



Instructions

- Add nurses to providers allowed to get reimbursement under MA for telehealth services
(i.e. add to current provider list from Forward Health Update dated Aug 2017 No. 2017-25)

- Have Board of Nurses define parameters / guidelines for settings

- Require nurse to be certified for telehealth like other providers currently permitted to provide services via telehealth



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1582

SWB:...

IP1

ahc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 2/22
Requested
today if possible
please!

saw
gen

1 AN ACT ...; **relating to:** allowing reimbursement under the Medical Assistance
2 program ^{for} services provided via telehealth by nurses.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to include nurses as a provider whose services provided via telehealth are reimbursable under the Medical Assistance program, if those services meet the criteria for reimbursement established for other health care providers rendering services via telehealth. Under the bill, in order to be eligible for reimbursement for telehealth services, a nurse must be a provider certified for telehealth by DHS. The bill also requires the Board of Nursing to establish guidelines for providing nursing services via telehealth, including standards for remote locations from which a registered professional nurse may appropriately provide services through telehealth, taking into consideration technical requirements and patient confidentiality issues.

For further information see the **state** 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:

3 SECTION 1. 49.45 (29g) of the statutes is created to read:

4 49.45 (29g) TELEHEALTH SERVICES BY NURSES. (a) In this subsection:

1 1. "Registered professional nurse" has the meaning given in s. 49.498 (1) (L).

****NOTE: The definition in s. 49.498 (1) (L) is "a registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k)." Please let me know if you would like to change the scope of the nurses included under this provision.

2 2. "Telehealth" has the meaning given in ~~s. 49.45~~ (29w) (b) 1. b.

3 (b) For services that are otherwise reimbursable under the Medical Assistance
4 program under this subchapter when provided through telehealth, the department
5 shall provide reimbursement under the Medical Assistance program when the
6 services are provided by a registered professional nurse.

7 (c) In order to receive reimbursement for telehealth services under this
8 subsection, the registered professional nurse must be a provider certified for
9 telehealth by the department.

10 (d) The board of nursing shall establish guidelines relating to the provision of
11 services through telehealth by registered professional nurses, including standards
12 for remote locations from which a registered professional nurse may appropriately
13 provide services through telehealth, taking into consideration technical
14 requirements and patient confidentiality issues.

15 (END)

Walkenhorst Barber, Sarah

From: Flemming, Darla
Sent: Wednesday, February 27, 2019 12:48 PM
To: Walkenhorst Barber, Sarah
Subject: LRB-1582

Hi Sarah,

Our goal in this draft is to add “telehealth” to the existing definition of a Medicaid-reimbursable home health service patient care visit.

Based on feedback from stakeholders, we’d like to amend 49.45(8)(a) 4 to read:

“Patient care visit” means a personal contact with a patient in a patient’s home that is made by a registered nurse, licensed practical nurse, nurse aide, physical therapist, occupational therapist, or speech-language pathologist who is on the staff of or under contract or arrangement with a home health agency, or by a registered nurse or licensed practical nurse practicing independently, **or contact with a patient by means of telehealth as defined in 49.45 (29w)(b)1b that is made by a registered nurse who is on the staff of or under contract or arrangement with a home health agency,** to provide a service that is covered under s.49.46, 49.47, or 49.471. “Patient care visit” does not include time spent by a nurse, therapist, or nurse aide on case management, care coordination, travel, record keeping, or supervision that is related to the patient care visit.

Please let me know if you have any questions.

Best,
Darla

Darla Flemming
Office of Rep. Rob Brooks
60th Assembly District
(608) 267-2369



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1582/PY
SWB:ahe

192

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN
3/14
Requested by
3/5 AM. PLS
INSERT

certain
home health
services

REGENT

1 AN ACT to create 49.45 (29g) of the statutes, relating to: allowing
2 reimbursement under the Medical Assistance program for services provided
3 via telehealth by registered nurses.

Analysis by the Legislative Reference Bureau

INS
ANALYSIS

This bill requires the Department of Health Services to include nurses as a provider whose services provided via telehealth are reimbursable under the Medical Assistance program, if those services meet the criteria for reimbursement established for other health care providers rendering services via telehealth. Under the bill, in order to be eligible for reimbursement for telehealth services, a nurse must be a provider certified for telehealth by DHS. The bill also requires the Board of Nursing to establish guidelines for providing nursing services via telehealth, including standards for remote locations from which a nurse may appropriately provide services through telehealth, taking into consideration technical requirements and patient confidentiality issues.

For further information see the *state* 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:

INS
1-4

SECTION 1. 49.45 (29g) of the statutes is created to read:

1 49.45 (29g) TELEHEALTH SERVICES BY NURSES. (a) In this subsection:

2 1. "Registered professional nurse" has the meaning given in s. 49.498 (1) (L).

***NOTE: The definition in s. 49.498 (1) (L) is "a registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k)." Please let me know if you would like to change the scope of the nurses included under this provision.

3 2. "Telehealth" has the meaning given in sub. (29w) (b) 1. b.

4 (b) For services that are otherwise reimbursable under the Medical Assistance
5 program under this subchapter when provided through telehealth, the department
6 shall provide reimbursement under the Medical Assistance program when the
7 services are provided by a registered professional nurse.

8 (c) In order to receive reimbursement for telehealth services under this
9 subsection, the registered professional nurse must be a provider certified for
10 telehealth by the department.

11 (d) The board of nursing shall establish guidelines relating to the provision of
12 services through telehealth by registered professional nurses, including standards
13 for remote locations from which a registered professional nurse may appropriately
14 provide services through telehealth, taking into consideration technical
15 requirements and patient confidentiality issues.

16 (END)

INSERT ANALYSIS

This bill changes the definition of patient care visits for which the Department of Health Services must provide reimbursement under the Medical Assistance program to include contacts with a patient made via telehealth, as defined in the bill, by a registered nurse who is on the staff of or under contract or arrangement with a home health agency.

(END INSERT ANALYSIS)

INSERT 1-4

1 *sa* **SECTION 1.** 49.45 (8) (a) 4. of the statutes is amended to read:
2 49.45 (8) (a) 4. “Patient care visit” means a personal contact with a patient in
3 a patient’s home that is made by a registered nurse, licensed practical nurse, nurse
4 aide, physical therapist, occupational therapist, or speech-language pathologist who
5 is on the staff of or under contract or arrangement with a home health agency, or by
6 a registered nurse or licensed practical nurse practicing independently, or contact
7 with a patient by means of telehealth, as defined in *sub.* s. 49.45 (29w) (b) 1. b., that is
8 made by a registered nurse who is on the staff of or under contract or arrangement
9 with a home health agency, to provide a service that is covered under s. 49.46, 49.47,
10 or 49.471. “Patient care visit” does not include time spent by a nurse, therapist, or
11 nurse aide on case management, care coordination, travel, record keeping, or
12 supervision that is related to the patient care visit.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344, 370; s. 13.92 (1) (bm) 2.

(END INSERT 1-4)

Walkenhorst Barber, Sarah

From: Flemming, Darla
Sent: Monday, April 01, 2019 10:48 AM
To: Walkenhorst Barber, Sarah
Subject: LRB-1582

Hi Sarah,

We have some more changes to LRB-1582. They are listed below:

Section 2. Nonstatutory provisions.

- (1) ORIGINATING SITES. The department of health services shall recognize a patient's private residence as a valid originating site for the purposes of providing reimbursement under the Medicaid Program for home health care services provided by means of telehealth, as defined 49.45 (29w) (b) 1. b.
- (2) HOME HEALTH CARE RATE INCREASE: The department of health services shall increase the reimbursement rates by 10 percent for home health care services provided under the Medical Assistance program in the first year of the 2019-21 fiscal biennium and maintain that funding level in the second year of the 2019-21 fiscal biennium.

Please let me know if you have any questions.

Best,
Darla

Darla Flemming
Office of Rep. Rob Brooks
60th Assembly District
(608) 267-2369



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1582/P2
SWB:ahe

1P3

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 4/3
Requested 4/4
PIS
regen
INSERT
saw

1 **AN ACT to amend** 49.45 (8) (a) 4. of the statutes; **relating to:** reimbursement
2 under the Medical Assistance program for certain home health services
3 provided via telehealth by registered nurses.

Analysis by the Legislative Reference Bureau

This bill changes the definition of patient care visits for which the Department of Health Services must provide reimbursement under the Medical Assistance program to include contacts with a patient made via telehealth, as defined in the bill, by a registered nurse who is on the staff of or under contract or arrangement with a home health agency.)

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

INS ANALYSIS

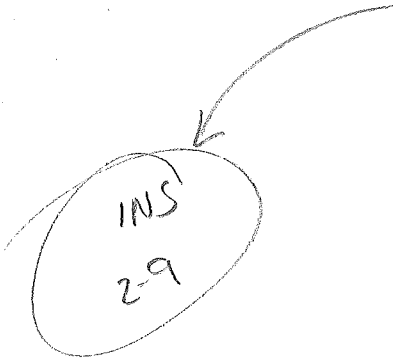
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 49.45 (8) (a) 4. of the statutes is amended to read:
5 49.45 (8) (a) 4. "Patient care visit" means a personal contact with a patient in
6 a patient's home that is made by a registered nurse, licensed practical nurse, nurse
7 aide, physical therapist, occupational therapist, or speech-language pathologist who

1 is on the staff of or under contract or arrangement with a home health agency, or by
2 a registered nurse or licensed practical nurse practicing independently, or contact
3 with a patient by means of telehealth, as defined in sub. (29w) (b) 1. b., that is made
4 by a registered nurse who is on the staff of or under contract or arrangement with
5 a home health agency, to provide a service that is covered under s. 49.46, 49.47, or
6 49.471. "Patient care visit" does not include time spent by a nurse, therapist, or
7 nurse aide on case management, care coordination, travel, record keeping, or
8 supervision that is related to the patient care visit.

9

(END)



INS
2-9

INSERT

INSERT ANALYSIS

No new

sa ✓

← Under the bill, DHS is required to recognize a patient's private residence as a valid originating site for the purposes of providing reimbursement under the Medical Assistance program for home health services provided by means of telehealth. Finally, the bill requires DHS to increase by 10 percent the reimbursement rates for home health care services provided under the Medical Assistance program in the first year of the 2019-21 fiscal biennium and maintain that funding level in the second year of the fiscal biennium.

(END INSERT ANALYSIS)

INSERT 2-9

1 ↵ **SECTION 1.** 49.45 (8d) of the statutes is created to read:
2 49.45 (8d) ORIGINATING SITES FOR HOME HEALTH SERVICES PROVIDED VIA
3 TELEHEALTH. The department of health services shall recognize a patient's private
4 residence as a valid originating site for the purposes of providing reimbursement
5 under the Medical Assistance program for home health services provided by means
6 of telehealth, as defined in ^{2 sub. ✓} ~~s. 49.45~~ (29w) (b) 1. b.

****NOTE: Based on your instructions, it appears that your draft is intended to have DHS treat a patient's private residence as a valid originating site for the purposes described on a permanent basis. Based on that assumption, I have included this provision in the statutes rather than in a nonstatutory provision. Please let me know if this is consistent with your intent or if you would like to make any changes.

7 **SECTION 2. Nonstatutory provisions.**
8 (1) HOME HEALTH CARE RATE INCREASE. The department of health services shall
9 increase by 10 percent the reimbursement rates for home health care services
10 provided under the Medical Assistance program in the first year of the 2019-21 fiscal
11 biennium and maintain that funding level in the second year of the 2019-21 fiscal
12 biennium.

(END INSERT 2-9)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1582/P3
SWB:ahe

1/24
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN
7/24
Requested by
7/25 ps

The Department
of Health Services

regen

1 AN ACT *to amend* 49.45 (8) (a) 4.; and *to create* 49.45 (8d) of the statutes;
2 relating to: reimbursement ^{rates} under the Medical Assistance program for certain
3 home health ^{care} services.

Analysis by the Legislative Reference Bureau

This bill changes the definition of patient care visits for which the Department of Health Services must provide reimbursement under the Medical Assistance program to include contacts with a patient made via telehealth, as defined in the bill, by a registered nurse who is on the staff of or under contract or arrangement with a home health agency. Under the bill, DHS is required to recognize a patient's private residence as a valid originating site for the purposes of providing reimbursement under the Medical Assistance program for home health services provided by means of telehealth. Finally, the bill requires DHS to increase by 10 percent the reimbursement rates for home health care services provided under the Medical Assistance program in the first year of the 2019-21 fiscal biennium and maintain that funding level in the second year of the fiscal biennium.

THIS
bill

For further information see the *state* 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:

4 SECTION 1. 49.45 (8) (a) 4. of the statutes is amended to read:

1 49.45 (8) (a) 4. "Patient care visit" means a personal contact with a patient in
2 a patient's home that is made by a registered nurse, licensed practical nurse, nurse
3 aide, physical therapist, occupational therapist, or speech-language pathologist who
4 is on the staff of or under contract or arrangement with a home health agency, or by
5 a registered nurse or licensed practical nurse practicing independently, or contact
6 with a patient by means of telehealth, as defined in sub. (29w) (b) 1. b., that is made
7 by a registered nurse who is on the staff of or under contract or arrangement with
8 a home health agency, to provide a service that is covered under s. 49.46, 49.47, or
9 49.471. "Patient care visit" does not include time spent by a nurse, therapist, or
10 nurse aide on case management, care coordination, travel, record keeping, or
11 supervision that is related to the patient care visit.

12 **SECTION 2.** 49.45 (8d) of the statutes is created to read:

13 49.45 (8d) ORIGINATING SITES FOR HOME HEALTH SERVICES PROVIDED VIA
14 TELEHEALTH. The department shall recognize a patient's private residence as a valid
15 originating site for the purposes of providing reimbursement under the Medical
16 Assistance program for home health services provided by means of telehealth, as
17 defined in sub. (29w) (b) 1. b.

****NOTE: Based on your instructions, it appears that your draft is intended to have
DHS treat a patient's private residence as a valid originating site for the purposes
described on a permanent basis. Based on that assumption, I have included this provision
in the statutes rather than in a nonstatutory provision. Please let me know if this is
consistent with your intent or if you would like to make any changes.

18 **SECTION 3. Nonstatutory provisions.**

19 (1) HOME HEALTH CARE RATE INCREASE. The department of health services shall
20 increase by 10 percent the reimbursement rates for home health care services
21 provided under the Medical Assistance program in the first year of the 2019-21 fiscal

1 biennium and maintain that funding level in the second year of the 2019-21 fiscal

2 biennium.

3 (END)

Walkenhorst Barber, Sarah

From: Flemming, Darla
Sent: Monday, August 19, 2019 12:23 PM
To: Walkenhorst Barber, Sarah
Cc: Truax, Dustin
Subject: LRB-1582

Hi Sarah,

We'd like a /1 of LRB-1582/P4. In addition, Senator Olsen's office will need a Senate companion.

Thanks,
Darla

Darla Flemming
Office of Rep. Rob Brooks
60th Assembly District
(608) 267-2369



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1582/P4
SWB:ahe

11

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** reimbursement rates under the Medical Assistance program
2 for home health care services.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to increase by 10 percent the reimbursement rates for home health care services provided under the Medical Assistance program in the first year of the 2019-21 fiscal biennium and maintain that funding level in the second year of the fiscal biennium.

For further information see the *state* 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:

3 **SECTION 1. Nonstatutory provisions.**

4 (1) HOME HEALTH CARE RATE INCREASE. The department of health services shall
5 increase by 10 percent the reimbursement rates for home health care services
6 provided under the Medical Assistance program in the first year of the 2019-21 fiscal

1 biennium and maintain that funding level in the second year of the 2019-21 fiscal
2 biennium.

3 (END)

Walker, Dan

From: Flemming, Darla
Sent: Monday, August 19, 2019 2:26 PM
To: LRB.Legal
Subject: Draft Review: LRB -1582/1

Please Jacket LRB -1582/1 for the ASSEMBLY.