

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **tdodge**
 By: **Ames** Secondary Drafters:
 Date: **1/22/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
doasbostatlanguage@wisconsin.gov

Pre Topic:

DOA:.....Ames, BB0214 -

Topic:

Repeal legislative authorization and oversight of requests to federal government

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 1/28/2019	anienaja 2/1/2019			
/P1	tdodge 2/21/2019	ccarmich 2/21/2019	lparisi 2/1/2019		
/P2			lparisi 2/21/2019		

FE Sent For: **<END>**

Dodge, Tamara

From: Hanaman, Cathlene
Sent: Tuesday, January 22, 2019 2:41 PM
To: Dodge, Tamara; Paczuski, Konrad
Subject: FW: Statutory Language Drafting Request - 2019-21

Follow Up Flag: Follow up
Flag Status: Flagged

From: Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Sent: Tuesday, January 22, 2019 2:36 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Ames, Kyle - DOA <Kyle.Ames@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Repeal legislative authorization and oversight of requests to federal government

Tracking Code: BB0214

SBO Team: HSI

SBO Analyst: Ames, Kyle
Phone: 608-266-2214
E-mail: kyle.ames@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: Low

Intent:

Draft language that repeals s. 20.940.

Attachments: False

Please send completed drafts to SBOStatlanguage@spsmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1566? Repl
TJD:... Ann

In 1129

DOA:.....Ames, BB0214 - Repeal legislative authorization and oversight of requests to federal government

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

SA
Xref ✓

No sign.

1 **AN ACT** ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

2017 Wisconsin Act 370 prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, Act 370 requires the DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Act 370 requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, Act 370 requires DHS to submit its final implementation plan to JCF for approval. Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted if JCF determines that the state agency has not made sufficient

SAY
XPT
PWF

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1566/P1ins
TJD:...GMM

1 INSERT 2-2

2 **SECTION 1.** 49.45 (23b) (f) of the statutes is repealed.

3 **SECTION 2.** 601.83 (1) (a) of the statutes is amended to read:

4 ~~601.83 (1) (a)~~ The commissioner shall administer a state-based reinsurance
5 program known as the healthcare stability plan in accordance with the specific terms
6 and conditions approved by the federal department of health and human services
7 dated July 29, 2018. Before December 31, 2023, the commissioner may not request
8 from the federal department of health and human services a modification,
9 suspension, withdrawal, or termination of the waiver under 42 USC 18052 under
10 which the healthcare stability plan under this subchapter operates unless
11 legislation has been enacted specifically directing the modification, suspension,
12 withdrawal, or termination. Before December 31, 2023, the commissioner may
13 request renewal, without substantive change, of the waiver under 42 USC 18052
14 under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~
15 unless legislation has been enacted that is contrary to such a renewal request. The
16 ~~commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

History: 2017 a. 138, 370.

17 **END INSERT 2-2**



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1566(P1)

TJD:amn

LP P2
KDC

DOA:.....Ames, BB0214 - Repeal legislative authorization and oversight of requests to federal government

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

D-note

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

1. *Eliminating legislative oversight over Medicaid waivers*

2017 Wisconsin Act 370 prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, Act 370 requires DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Act 370 requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, Act 370 requires DHS to submit its final implementation plan to JCF for approval. Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to

be submitted if JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request. This bill eliminates the requirement that legislation be enacted in order for DHS to submit a request for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project. The bill also eliminates the legislative review procedure for requests for waivers, pilot programs, or demonstration projects required by Act 370.

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

Insert 2-1

1 **SECTION 1.** 20.940 of the statutes is repealed.

2 **SECTION 2.** 49.45 (23b) (f) of the statutes is repealed.

3 **SECTION 3.** 601.83 (1) (a) of the statutes is amended to read:

4 601.83 (1) (a) The commissioner shall administer a state-based reinsurance
5 program known as the healthcare stability plan in accordance with the specific terms
6 and conditions approved by the federal department of health and human services
7 dated July 29, 2018. Before December 31, 2023, the commissioner may not request
8 from the federal department of health and human services a modification,
9 suspension, withdrawal, or termination of the waiver under 42 USC 18052 under
10 which the healthcare stability plan under this subchapter operates unless
11 legislation has been enacted specifically directing the modification, suspension,
12 withdrawal, or termination. Before December 31, 2023, the commissioner may
13 request renewal, without substantive change, of the waiver under 42 USC 18052
14 under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~
15 unless legislation has been enacted that is contrary to such a renewal request. The
16 ~~commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

17

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1566/P2dn

TJD: *edc*

Date:

This draft reconciles LRB-1566/P1, LRB-0943/P3, -1567/P1, 1885/P2, and -1927/P3.
All of these drafts should continue to appear in the compiled bill.

Tamara J. Dodge
Senior Legislative Attorney
(608) 504-5808
tamara.dodge@legis.wisconsin.gov

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1566/P2ins
TJD:...

1 **INSERT 2-1**

 ****NOTE: This is reconciled s. 20.940. This SECTION has been affected by drafts with the following LRB numbers: -1566/P1, 0943/P3, 1567/P1, 1885/P2, and 1927/P3.

2 **END INSERT 2-1**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1566/P2dn
TJD:cdc

February 21, 2019

This draft reconciles LRB-1566/P1, LRB-0943/P3, -1567/P1, 1885/P2, and -1927/P3.
All of these drafts should continue to appear in the compiled bill.

Tamara J. Dodge
Senior Legislative Attorney
(608) 504-5808
tamara.dodge@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1566/P2
TJD:amn&cde

DOA:.....Ames, BB0214 - Repeal legislative authorization and oversight of requests to federal government

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

1. Eliminating legislative oversight over Medicaid waivers

2017 Wisconsin Act 370 prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, Act 370 requires DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Act 370 requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, Act 370 requires DHS to submit its final implementation plan to JCF for approval. Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to

be submitted if JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request. This bill eliminates the requirement that legislation be enacted in order for DHS to submit a request for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project. The bill also eliminates the legislative review procedure for requests for waivers, pilot programs, or demonstration projects required by Act 370.

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

1 **SECTION 1.** 20.940 of the statutes is repealed.

 ****NOTE: This is reconciled s. 20.940. This SECTION has been affected by drafts with the following LRB numbers: -1566/P1, 0943/P3, 1567/P1, 1885/P2, and 1927/P3.

2 **SECTION 2.** 601.83 (1) (a) of the statutes is amended to read:

3 **601.83 (1) (a)** The commissioner shall administer a state-based reinsurance

4 program known as the healthcare stability plan in accordance with the specific terms

5 and conditions approved by the federal department of health and human services

6 dated July 29, 2018. Before December 31, 2023, the commissioner may not request

7 from the federal department of health and human services a modification,

8 suspension, withdrawal, or termination of the waiver under 42 USC 18052 under

9 which the healthcare stability plan under this subchapter operates unless

10 legislation has been enacted specifically directing the modification, suspension,

11 withdrawal, or termination. Before December 31, 2023, the commissioner may

12 request renewal, without substantive change, of the waiver under 42 USC 18052

13 under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~

14 unless legislation has been enacted that is contrary to such a renewal request. ~~The~~

15 ~~commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

16

(END)