### 2019 DRAFTING REQUEST

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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, BB0215 -

Topic:

Repeal implementation of childless adult demonstration waiver

**Instructions:** 

See attached

**Drafting History:** 

Vers.	Drafted	Reviewed	Submitted	Jacketed	Required
/?	tdodge 1/28/2019	ccarmich 1/29/2019			
/P1	tdodge 2/21/2019	ccarmich 2/21/2019	lparisi 1/29/2019		
/P2		•	dwalker 2/21/2019		

FE Sent For:

<**END>** 

#### Dodge, Tamara

From:

Hanaman, Cathlene

Sent:

Tuesday, January 22, 2019 2:41 PM

To:

Dodge, Tamara; Walkenhorst Barber, Sarah; Paczuski, Konrad

Subject:

FW: Statutory Language Drafting Request - 2019-21

Follow Up Flag: Flag Status:

Follow up Flagged

From: Ames, Kyle - DOA < Kyle. Ames@wisconsin.gov>

Sent: Tuesday, January 22, 2019 2:38 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 implementation of childless adult demonstration waiver

Tracking Code: BB0215

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:

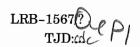
Draft language that repeals s. 49.45(23b) and eliminates deadlines and mandates to implement demonstration waiver. Non-statutory language would also need to change to remove date and penalties for implementation.

Attachments: False

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



### State of Misconsin 2019 - 2020 LEGISLATURE



In: 1/29

DOA:.....Ames, BB0215 - Repeal implementation of childless adult demonstration waiver

### FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

# Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

#### MEDICAL ASSISTANCE PROGRAM

2017 Wisconsin Act 370 requires by statute DHS to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied other requirements relating to approved waiver implementation, Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program. This bill eliminates the statutory implementation

with

requirement for the BadgerCare Reform waiver, including the deadline and penalties, eliminates the statutory requirement for DHS to seek the waiver, and allows DHS to modify or withdraw the waiver.

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

SECTION 1. 49.45 (23) (g) of the statutes is repealed.

\*\*\*\*NOTE: If the intent is to withdraw or scale back the waiver, the repeal of the statutory implementation under s. 49.45 (23b) is not sufficient. This draft repeals the statutory requirement to seek the waiver and allows, in nonstatutory language, DHS to withdraw or modify the waiver. If the intent is only to repeal the statutory implementation but leave the waiver in place, please advise and I will change this draft accordingly.

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

SECTION 3. 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.

Section 9119. Nonstatutory provisions; Health Services.

(1) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The department of health services may submit a request to the federal department of health and human services to modify or withdraw the waiver granted under s. 49.45 (23) (g), 2017 stats. The department of health services is not required to comply with s. 20.940 to submit a request under this subsection.

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(END)



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### State of Misconsin 2019 - 2020 LEGISLATURE

LRB-1567/P1 TJD:cdc

DOA:.....Ames, BB0215 - Repeal implementation of childless adult demonstration waiver

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

# Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

#### MEDICAL ASSISTANCE PROGRAM

2017 Wisconsin Act 370 requires by statute DHS to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements relating to approved waiver implementation, Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program. This bill eliminates the statutory 1

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implementation requirement for the BadgerCare Reform waiver, including the deadline and penalties, eliminates the statutory requirement for DHS to seek the waiver, and allows DHS to modify or withdraw the waiver.

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

**SECTION 1.** 49.45 (23) (g) of the statutes is repealed.

\*\*\*\*Note: If the intent is to withdraw or scale back the waiver, the repeal of the statutory implementation under s. 49.45 (23b) is not sufficient. This draft repeals the statutory requirement to seek the waiver and allows, in nonstatutory language, DHS to withdraw or modify the waiver. If the intent is only to repeal the statutory implementation but leave the waiver in place, please advise and I will change this draft accordingly.

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

SECTION 3. 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.

SECTION 9119. Nonstatutory provisions; Health Services.

(1) Childless adults demonstration project reform waiver. The department of health services may submit a request to the federal department of health and human services to modify or withdraw the waiver granted under s. 49.45 (23) (g), 2017 stats. The department of health services is not required to comply with s.

20.940 to submit a request under this subsection.

10 (END)

Insert 2-10

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# DRAFTER'S NOTE FROM THE

LRB-1567/P2dn TJD:cdc

LEGISLATIVE REFERENCE BUREAU

This draft reconciles LRB-1567/P1 and LRB-1566/P1. All of these drafts should continue to appear in the compiled bill.

(SIG)

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

1	INSERT 2-3
	****Note: This is reconciled s. 49.45 (23b). This Section has been affected by drafts with the following LRB numbers: -1567/P1 and -1566/P1.
2	END INSERT 2-3
3	INSERT 2-10
	****Note: This is reconciled Section 9119 (1). This Section has been affected by drafts with the following LRB numbers:1567/P1 and -1566/P1.
1	END INCEPT 9 10 X

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1567/P2dn TJD:cde

February 21, 2019

This draft reconciles LRB-1567/P1 and LRB-1566/P1. 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



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### State of Misconsin 2019 - 2020 LEGISLATURE

LRB-1567/P2 TJD:cdc

DOA:.....Ames, BB0215 - Repeal implementation of childless adult demonstration waiver

### FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

# Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE PROGRAM

### 1. Repealing implementation of childless adult demonstration waiver

Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015–17 and 2017–19 biennial budget acts required DHS to submit a waiver request to the federal Department of Health and Human Services authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Act 370 requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied with other requirements relating to approved waiver implementation, Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for

DHS related to the Medical Assistance program. This bill eliminates the statutory implementation requirement for the BadgerCare Reform waiver, including the deadline and penalties, eliminates the statutory requirement for DHS to seek the waiver, and allows DHS to modify or withdraw the waiver.

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

- **Section 1.** 49.45 (23) (g) of the statutes is repealed.
- 2 Section 2. 49.45 (23b) of the statutes is repealed.

\*\*\*\*Note: This is reconciled s. 49.45 (23b). This Section has been affected by drafts with the following LRB numbers: -1567/P1 and -1566/P1.

- **SECTION 3.** 2017 Wisconsin Act 370, Section 44 (2) and (3) are repealed.
- 4 Section 9119. Nonstatutory provisions; Health Services.
  - (1) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER. The department of health services may submit a request to the federal department of health and human services to modify or withdraw the waiver granted under s. 49.45 (23) (g), 2017 stats.

\*\*\*\*Note: This is reconciled Section 9119 (1). This Section has been affected by drafts with the following LRB numbers: -1567/P1 and -1566/P1.

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(END)