

2019 DRAFTING REQUEST

Bill

For: **Legislative Fiscal Bureau** Drafter: **tdodge**
 By: **Dyck** Secondary Drafters:
 Date: **4/1/2020** May Contact:

Same as LRB:

Submit via email: **YES**
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Pre Topic:

No specific pre topic given

Topic:

Pg. 16, HEALTH, Item 4, enhanced federal medical assistance percentage

Instructions:

04/01/20 Update per Jon: Suspend compliance with only premium and health risk assessment; delay risk assessment under 30 days after federal approval or after quarter in which emergency period ends; comply with continuous enrollment by notwithstanding other provisions that require disenrollment for the purpose of complying with the federal act; eliminate last sentence
 04/02/20 Update per Jon: timing for community engagement should be 30 days after either option; on line 15 change "ends" to "occurs"

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 4/1/2020				
/P1	tdodge 4/2/2020	swinder 4/1/2020	wjackson 4/1/2020		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	tdodge 4/2/2020	kmochal 4/2/2020	wjackson 4/2/2020		State
/P3		swinder 4/2/2020	lparisi 4/2/2020		State

FE Sent For:

<END>



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** enhanced federal medical assistance percentage under a
2 public health emergency.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Enhanced federal medical assistance percentage

This bill allows the Department of Health Services to suspend compliance with current copayment and premium requirements for childless adults and any other conflicting law under the Medical Assistance program in order to satisfy criteria for an enhanced federal medical assistance percentage, or FMAP, during the period for which the enhanced federal medical assistance percentage applies.

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) **ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE.** Notwithstanding s.
5 49.45 (23b) (b), (c), (d), and (e) or any other conflicting provision of subch. IV of ch.

SECTION 1

1 49, if the federal government provides an enhanced federal medical assistance
2 percentage during an emergency period declared in response to the novel
3 coronavirus pandemic, the department of health services may suspend compliance
4 with s. 49.45 (23b) (b), (c), (d), and (e) and any other conflicting provision of subch.
5 IV of ch. 49 to satisfy criteria to qualify for the enhanced federal medical assistance
6 percentage during the period for which the enhanced federal medical assistance
7 percentage applies. The department of health services may submit to the federal
8 government any request for a waiver of federal law or amendment to or suspension
9 of a waiver, any state plan amendment, or other request for federal approval
10 necessary to obtain the enhanced federal medical assistance percentage described
11 under this subsection without complying with the procedures under ss. 20.940 and
12 49.45 (2t).

13 (END)



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This bill allows the Department of Health Services to suspend compliance with current premium and health risk assessment requirements for childless adults, delay implementation of the community engagement requirement for childless adults, and maintain continuous enrollment under the Medical Assistance program in compliance with federal law in order to satisfy criteria for an enhanced federal medical assistance percentage, or FMAP, under the Medical Assistance program during the period to which the enhanced federal medical assistance percentage applies. The FMAP is the percentage of Medicaid-related costs that the federal government provides a state after a state has paid for its share of the costs.

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SECTION 1

1 (1) ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE. If the federal
2 government provides an enhanced federal medical assistance percentage during an
3 emergency period declared in response to the novel coronavirus pandemic, the
4 department of health services may do any of the following during the period to which
5 the enhanced federal medical assistance percentage applies in order to satisfy
6 criteria to qualify for the enhanced federal medical assistance percentage:

7 (a) Suspend the requirement to comply with the premium requirements under
8 s. 49.45 (23b) (b) 2. and (c).

9 (b) Suspend the requirement to comply with the health risk assessment
10 requirement under s. 49.45 (23b) (b) 3.

11 (c) Delay implementation of the community engagement requirement under s.
12 49.45 (23b) (b) 1. until the date that is 30 days after the federal government has
13 approved the community engagement implementation plan or the day after the last
14 day of the calendar quarter in which the last day of the emergency period under 42
15 USC 1320b-5 (g) (1) that is declared due to the novel coronavirus pandemic ends,
16 whichever is later.

17 (d) Notwithstanding any requirement under subch. IV of ch. 49 to disenroll an
18 individual to the contrary, maintain continuous enrollment in compliance with
19 section 6008 (b) (3) of the federal Families First Coronavirus Response Act, P.L.
20 116-127.

21 (END)



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2 government provides an enhanced federal medical assistance percentage during an
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5 the enhanced federal medical assistance percentage applies in order to satisfy
6 criteria to qualify for the enhanced federal medical assistance percentage:

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13 government has approved the community engagement implementation plan or the
14 last day of the calendar quarter in which the last day of the emergency period under
15 42 USC 1320b-5 (g) (1) that is declared due to the novel coronavirus pandemic
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21 (END)