1977 Assembly Bill 426 Date published: **April 6, 1978**

CHAPTER 213, Laws of 1977

AN ACT to repeal 15.197 (6) and 49.485 (1) (b) and (3); and to create 15.197 (6), 20.435 (1) (fm) and 49.485 of the statutes, relating to creating a council on hemophilia and related blood disorders, establishing a program of financial assistance for victims of hemophilia and other similar blood disorders, granting rule-making authority and making an appropriation.

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

SECTION 1. 15.197 (6) of the statutes is created to read:

15.197 (6) COUNCIL ON HEMOPHILIA AND RELATED BLOOD DISORDERS. There is created in the department of health and social services a council on hemophilia and related blood disorders. The council shall be composed of 8 persons including 2 representatives from the Great Lakes hemophilia foundation, and one representative each from the university of Wisconsin medical school, the medical college of Wisconsin, inc., the Milwaukee blood center, the Badger Red Cross blood bank, local health agencies, and hospitals. Each person shall hold office for a staggered term of 4 years.

SECTION 1m. 15.197 (6) of the statutes is repealed.

SECTION 2. At the appropriate place in the schedule under section 20.005 of the statutes, insert the following amounts for the purposes indicated:

			1977-78	1978-79
20.435	**Health and social services, Department of**			
(1)	PUBLIC HEALTH SERVICES			
(fm)	Hemophilia treatment services	GPR B	200,000	200,000

SECTION 3. 20.435 (1) (fm) of the statutes is created to read:

20.435 (1) (fm) *Hemophilia treatment services.* Biennially, the amounts in the schedule for the assistance of victims of hemophilia and other related congenital bleeding disorders as provided in s. 49.485.

SECTION 4. 49.485 of the statutes is created to read:

49.485 Hemophilia treatment services. (1) DEFINITIONS. In this section:

(a) "Comprehensive hemophilia treatment center" means a center, and its satellite facilities, approved by the department, which provide services, including development of the maintenance program, to persons with hemophilia and other related congenital bleeding disorders.

(b) "Council" means the council on hemophilia and related blood disorders.

(c) "Hemophilia" means a bleeding disorder resulting from a genetically determined plasmatic clotting factor abnormality or deficiency.

(d) "Home care" means the self-infusion of a plasmatic clotting factor on an outpatient basis by the patient or the infusion of a plasmatic clotting factor to a patient on an outpatient basis by a person trained in such procedures.

(dm) "Income" means income as defined in s. 71.09 (7) (a) 1.

(e) "Maintenance program" means the individual's therapeutic and treatment regimen, including medical, dental, social and vocational rehabilitation including home health care.

(f) "Net worth" means the sum of the value of liquid assets, real property, after excluding the first $10,000 of the full value of the home derived by dividing the assessed value by the assessment ratio of the taxation district.

(g) "Physician director" means the medical director of the comprehensive hemophilia treatment center which is directly responsible for an individual's maintenance program.

(2) ASSISTANCE PROGRAM. The department shall establish a program of financial assistance to persons suffering from hemophilia and other related congenital bleeding disorders. The program shall assist such persons to purchase the blood derivatives and supplies necessary for home care. The program shall be administered through the comprehensive hemophilia treatment centers.

(3) COUNCIL'S DUTIES. The council shall advise the department on how best to implement this section and shall perform such other functions as the department may require.

(4) ELIGIBILITY. Any permanent resident of this state who suffers from hemophilia or other related congenital bleeding disorder may participate in the program if that person meets the requirements of this section and the standards set by rule under this section. The department shall establish by rule eligibility standards based on net worth. The person shall enter into an agreement with the comprehensive hemophilia treatment center for a maintenance program to be followed by that person as a condition for continued eligibility. The physician director or a designee shall, at least once in each 6-month period, review the maintenance program and verify that the person is complying with the program.

(5) RECOVERY FROM OTHER SOURCES. The department is responsible for, but may enter into agreements with comprehensive hemophilia treatment centers under which treatment center assumes the responsibility of recovery from a 3rd party, including any insurer, payments for blood products and supplies used in home care by persons participating in the program.

(6) PAYMENTS. (a) The department shall, by rule, establish a reasonable cost for blood products and supplies used in home care as a basis of reimbursement under this section.

(b) Reimbursement shall not be made under this section for any blood products or supplies which are not purchased from or provided by a comprehensive hemophilia treatment center, or a source approved by the treatment center. Reimbursement shall not be made under this section for any portion of the costs of blood products or supplies which are payable under any other state or federal program or under any grant, contract and any other contractual arrangement.

(c) The reasonable cost, determined under par. (a), of blood products and supplies used in home care for which reimbursement is not prohibited under par. (b), shall be reimbursed under this section after deduction of the patient's liability, determined under sub. (7).

(7) PATIENT'S LIABILITY. (a) 1. The percentage of the patient's liability for the reasonable costs for blood products and supplies which are determined to be eligible for reimbursement under sub. (6) shall be based upon the income and the size of the person's

family unit, according to standards to be established by rule by the department. Such percentage may not exceed 15%.

2. In determining income, only the income of the patient and persons responsible for the patient's support under s. 52.01 may be considered.

4. In determining family size, only persons who are related to the patient as parent, spouse, legal dependent or, if under the age of 18, as brother or sister may be considered.

5. In determining net worth, only the net worth of the patient and persons responsible for the patient's support under s. 52.01 will be considered.

(b) Individual liability shall be determined at the time of initial treatment and shall be redetermined annually or upon the patient's notification to the department of a change in family size or financial condition.

(8) DEPARTMENT'S DUTIES. The department shall:

(a) Extend financial assistance under this section to eligible persons suffering from hemophilia or other related congenital bleeding disorders.

(b) Employ administrative personnel to implement this section.

(c) Promulgate all rules necessary to implement this section.

SECTION 4m. 49.485 (1) (b) and (3) of the statutes are repealed.

SECTION 5. **Council on hemophilia and related blood disorders; initial appointments.** The terms of the members of the council on hemophilia and related blood disorders first taking office shall expire, as designated at the time of appointment, 2 at the end of the first year, 2 at the end of the 2nd year, 2 at the end of the 3rd year, and 2 at the end of the 4th year, after the date of appointment.

SECTION 6. **Effective date.** The repeal of sections 15.197 (6) and 49.485 (1) (b) and (3) of the statutes by this act shall take effect 3 years after the effective date of this act.