

1989 Assembly Bill 619

Date of enactment: **October 30, 1989**  
Date of publication\*: **November 6, 1989**

# 1989 WISCONSIN ACT 53

AN ACT to amend 20.435 (1) (b) of the statutes, relating to: payment for certain services provided by a facility in Racine county and making an appropriation.

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

**SECTION 1.** 20.435 (1) (b) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

20.435 (1) (b) *Medical assistance program benefits.* Biennially, the amounts in the schedule to provide the state share of medical assistance program benefits administered under s. 49.45, to fund the pilot project under s. 46.27 (9) and (10) and, to provide benefits under ss. 46.268 and 146.90 (4m) (a) 3. and to make additional payments for services under 1989 Wisconsin Act ... (this act), section 2 (1) (b). Notwithstanding s. 20.002 (1), the department of health and social services may transfer from this appropriation to the appropriation under sub. (7) (b) funds for the purposes specified under ss. 46.266 and 49.45 (6g) and the department may transfer from this appropriation to the appropriation under sub. (7) (bc) funds for the purposes specified under s. 46.268.

**SECTION 2. Nonstatutory provisions; health and social services.** (1) PAYMENT FOR SERVICES IN A FACILITY IN RACINE COUNTY. (a) In this subsection, "state share" means that portion of the medical assistance costs payable to a facility under section 49.45 (6m) of the statutes for the provision of authorized services that is not reimbursed by federal funds, unless no federal financial participation is available for these services. If no federal financial participation is available for a service which is payable under section 49.45 (6m) of the statutes, "state share" means that portion of the costs which would be the state share if federal financial participation were available.

(b) 1. Notwithstanding sections 20.435 (1) (b) and 49.45 (2) (a) 12. of the statutes, the department of health and social services shall, from the appropriation under section 20.435 (1) (b) of the statutes and under the payment formula specified under section 49.45 (6m) of the statutes, pay, for services which the licensee of the Racine community care corporation in Racine county provides to recipients of medical assistance who are residents of that facility and who require skilled care, an amount that is equal to the state share. Payment shall begin on the date of actual transfer of the license to the Racine community care corporation. Payment shall end on the date that is no more than 7 full calendar months following the date of actual transfer of the license to the Racine community care corporation, if the Racine community care corporation fails the first inspection survey of the facility that is conducted by the department of health and social services after the date of actual license transfer to determine if the facility is eligible for federal financial participation as a provider of skilled care under the medical assistance program. Payment shall end on the date that is no more than 9 full calendar months following the date of actual transfer of the license to the Racine community care corporation, if the facility passes the first inspection survey but fails a 2nd inspection survey. An additional payment in the amount of \$225,000 shall be made for the services first provided after the date of actual license transfer. Another additional payment in the amount of up to \$75,000 shall be made for resident relocation and other services, on a daily prorated basis as determined by the department of health and social services, in any of the following circumstances:

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a. The facility passes the first inspection survey that is conducted by the department of health and social services after the date of actual license transfer, but fails a 2nd inspection survey.

b. The facility fails the first inspection survey that is conducted by the department of health and social services after the date of actual license transfer, but the failure occurs after the date that is more than 7 full calendar months following the date of actual license transfer.

2. No payments may be made under this subsection for services provided unless the department of health and social services has first authorized the payment. No payments may be made under this subsection for any services provided after the date that is no more than 9 full calendar months following the date of actual transfer of the license to the Racine community care corporation. If during the

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period of payment authorized under this subsection the department of health and social services determines that the standard of care provided by the facility under this subsection poses a threat to the lives, health or safety of the facility's residents, the department of health and social services shall cease all payment so authorized.

**SECTION 3. Appropriation changes; health and social services.** (1) PAYMENT FOR SERVICES IN A FACILITY IN RACINE COUNTY. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and social services under section 20.435 (1) (b) of the statutes, as affected by the acts of 1989, are increased by \$300,000 for fiscal year 1989–90 to fund payment of services under SECTION 2 (1) (b) of this act.

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