

1993 Senate Bill 777

Date of enactment: **April 27, 1994**
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1993 WISCONSIN ACT 449

AN ACT to repeal 49.48 (2) (e), 49.483 (1m), 49.485 (1) (dm) and 49.485 (8) (bm); to renumber 49.487; to amend 49.48 (3) (a), 49.48 (3) (d) 2, 49.483 (1), 49.485 (4), 49.485 (7) (a) 1 and 49.487 (title); and to create 49.487 (1) of the statutes; and to affect 1993 Wisconsin Act 16, section 9126 (12) (b), relating to: financial and other requirements for kidney disease aid, cystic fibrosis aid and hemophilia treatment, providing an exemption from rule-making procedures, granting rule-making authority and making appropriations.

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

SECTION 1. 49.48 (2) (e) of the statutes, as created by 1993 Wisconsin Act 16, is repealed.

SECTION 2. 49.48 (3) (a) of the statutes is amended to read:

49.48 (3) (a) Any permanent resident of this state who suffers from chronic renal disease may be accepted into the dialysis treatment phase of the renal disease control program if the resident meets standards set by rule under sub. (2) and s. 49.487.

SECTION 3. 49.48 (3) (d) 2. of the statutes is amended to read:

49.48 (3) (d) 2. Aid under this subsection is only available after the patient pays an annual amount equal to the annual deductible amount required under the federal medicare program. This subdivision requires an inpatient who seeks aid first to pay an annual deductible amount equal to the annual medicare deductible amount specified under 42 USC 1395e and requires an outpatient who seeks aid first to pay an annual deductible amount equal to the annual medicare deductible amount specified under 42 USC ~~1395f~~ 1395L (b).

SECTION 4. 49.483 (1) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.483 (1) The department may provide financial assistance for costs of medical care of persons over the age of 18 years with the diagnosis of cystic fibrosis who

meet income limitations financial requirements established by the department by rule under sub. ~~(1m)~~ s. 49.487 (1).

SECTION 5. 49.483 (1m) of the statutes, as created by 1993 Wisconsin Act 16, is repealed.

SECTION 6. 49.485 (1) (dm) of the statutes is repealed.

SECTION 7. 49.485 (4) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.485 (4) 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 s. 49.487 and the standards set by rule under this section and s. 49.487. 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.

SECTION 8. 49.485 (7) (a) 1. of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

49.485 (7) (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 stan-

dards to be established by rule by the department under s. 49.487.

SECTION 9. 49.485 (8) (bm) of the statutes, as created by 1993 Wisconsin Act 16, is repealed.

SECTION 10. 49.487 (title) of the statutes is amended to read:

49.487 (title) Disease aids; patient financial and liability requirements.

SECTION 11. 49.487 of the statutes, as affected by 1993 Wisconsin Act 16, is renumbered 49.487 (2).

SECTION 12. 49.487 (1) of the statutes is created to read:

49.487 (1) The department shall promulgate rules that require a person who is eligible for benefits under s. 49.48, 49.483 or 49.485 and whose current income exceeds specified limits to obligate or expend specified portions of the income for medical care for treatment of kidney disease, cystic fibrosis or hemophilia before receiving benefits under s. 49.48, 49.483 or 49.485.

SECTION 13. 1993 Wisconsin Act 16, section 9126 (12) (b) is repealed.

SECTION 14. Nonstatutory provisions; health and social services. (1) RULES ON PATIENT FINANCIAL REQUIREMENTS FOR DISEASE AIDS. (a) The department of health and social services shall submit proposed rules required under section 49.487 (1) of the statutes, as created by this act, to the legislative council staff for review under section 227.15 (1) of the statutes no later than May 1, 1994.

(b) Using the procedure under section 227.24 of the statutes, the department of health and social services shall promulgate rules required under section 49.487 (1) of the statutes, as created by this act, for the period beginning on January 1, 1994, and prior to the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (2) (b) of the statutes, the department need not provide evidence of the necessity of preservation of the public peace, health, safety or welfare in promulgating the rules under this paragraph.

SECTION 15. Appropriation changes; health and social services. (1) DISEASE AIDS; PROGRAM. 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) (e) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$241,700 for fiscal year 1993-94 and the dollar amount is increased by \$462,400 for fiscal year 1994-95 to increase funding for treatment under the disease aids programs under sections 49.48, 49.483 and 49.485 of the statutes.

(2b) DISEASE AIDS; POSITION AUTHORIZATION. 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) (e) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$8,300 for fiscal year 1993-94 and the dollar amount is increased by \$37,600 for fiscal year 1994-95 to increase the authorized FTE positions for the department by 1.0 GPR position on June 1, 1994, for the performance of services relating to the disease aids program under sections 49.48, 49.483 and 49.485 of the statutes.

SECTION 16. Initial applicability; health and social services. (1) PATIENT FINANCIAL REQUIREMENTS FOR DISEASE AIDS. The treatment of sections 49.48 (2) (e) and (3) (a), 49.483 (1) and (1m), 49.485 (1) (dm), (4), (7) (a) 1. and (8) (bm) and 49.487 (title) of the statutes, the renumbering of section 49.487 of the statutes and the creation of section 49.487 (1) of the statutes first apply to eligibility determinations made and care, services or financial assistance provided under sections 49.48, 49.483 and 49.485 of the statutes, as affected by this act, on January 1, 1994.

SECTION 17. Effective dates. This act takes effect retroactively to January 1, 1994, except as follows:

(1) RULES ON ELIGIBILITY LIMITS FOR DISEASE AIDS. SECTION 13 of this act takes effect on May 25, 1994.

(2) DISEASE AIDS; POSITION AUTHORIZATION. SECTION 15 (2b) of this act takes effect on the day after publication.