

State of Wisconsin



2021 Assembly Bill 1030

Date of enactment: **April 8, 2022**
Date of publication*: **April 9, 2022**

2021 WISCONSIN ACT 248

AN ACT to amend 46.96 (1) (am), 49.43 (6m) and 49.45 (8) (a) 4. of the statutes; **relating to:** Medical Assistance program coverage of home health services and durable medical equipment; definition of institution for mental diseases under the Medical Assistance program; and independent living core services (suggested as remedial legislation by the Department of Health Services).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes changes to statutes or session laws that the Law Revision Committee determined to be in need of revision.

SECTION 1. 46.96 (1) (am) of the statutes is amended to read:

~~46.96 (1) (am) “Independent living core services” means information and referral services, independent living skills training, peer counseling and individual and systems advocacy has the meaning given in 29 USC 705 (17).~~

NOTE: The SECTION aligns the state definition of “independent living core services” with the federal law definition.

SECTION 2. 49.43 (6m) of the statutes is amended to read:

~~49.43 (6m) “Institution for mental diseases” has the meaning specified in 42 CFR 435.1009 435.1010.~~

NOTE: This SECTION corrects a cross-reference to the federal law definition of “institution for mental diseases.”

SECTION 3. 49.45 (8) (a) 4. of the statutes is amended to read:

~~49.45 (8) (a) 4. “Patient care visit” means a personal contact with a patient in a patient’s home that is made by a registered nurse, licensed practical nurse, nurse aide, physical therapist, occupational therapist, or speech-language pathologist who is on the staff of or under contract or arrangement with a home health agency, or by a registered nurse or licensed practical nurse practicing independently, to provide a service that is covered under s. 49.46, 49.47, or 49.471. “Patient care visit” does not include time spent by a nurse, therapist, or nurse aide on case management, care coordination, travel, record keeping, or supervision that is related to the patient care visit.~~

NOTE: The SECTION eliminates a requirement that home health services must be provided within a patient’s home to be reimbursable under the Medical Assistance program. The change makes state law consistent with a federal Center for Medicare and Medicaid Services (CMS) rule clarifying that states may not deny home health services or durable medical equipment/durable medical services when they are supplied for use outside the home.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”