



**ASSEMBLY AMENDMENT 110,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 75**

June 11, 2009 – Offered by Representatives LEMAHIEU, VAN ROY, NEWCOMER and KLEEFISCH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 317, line 5: after that line insert:

3 “SECTION 363g. 20.435 (4) (w) of the statutes, as affected by 2009 Wisconsin Act  
4 2, is amended to read:

5 20.435 (4) (w) *Medical Assistance trust fund.* ~~From~~ Subject to s. 50.38 (10), from  
6 the Medical Assistance trust fund, biennially, the amounts in the schedule for  
7 meeting costs of medical assistance administered under ss. 46.27, 46.275 (5), 46.278  
8 (6), 46.283 (5), 46.284 (5), 49.45, and 49.472 (6), for refunds under s. 50.38 (6) (a), and  
9 for administrative costs associated with augmenting the amount of federal moneys  
10 received under 42 CFR 433.51.”.

11 **2.** Page 608, line 13: after that line insert:

1           **“SECTION 1289p.** 49.45 (3) (e) 11. of the statutes, as created by 2009 Wisconsin  
2 Act 2, is amended to read:

3           49.45 **(3)** (e) 11. The department shall use a portion of the moneys collected  
4 under s. 50.38, subject to s. 50.38 (10), to pay for services provided by eligible  
5 hospitals, as defined in s. 50.38 (1), under the Medical Assistance Program under this  
6 subchapter, including services reimbursed on a fee-for-service basis and services  
7 provided under a managed care system. For state fiscal year 2008–09, total  
8 payments under this subdivision, including both the federal and state share of  
9 Medical Assistance, shall equal the amount collected under s. 50.38 (2) for fiscal year  
10 2008–09 divided by 57.75 percent. For each state fiscal year after state fiscal year  
11 2008–09, total payments under this subdivision, including both the federal and state  
12 share of Medical Assistance, shall equal the amount collected under s. 50.38 (2) for  
13 the fiscal year divided by 61.68 percent.

14           **SECTION 1289r.** 49.45 (5m) (am) of the statutes, as affected by 2009 Wisconsin  
15 Act 2, is amended to read:

16           49.45 **(5m)** (am) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), from  
17 the appropriation accounts under s. 20.435 (4) (b), (o), (w) and (xc), the department  
18 shall distribute not more than \$5,000,000 in each fiscal year, to provide  
19 supplemental funds to rural hospitals that, as determined by the department, have  
20 high utilization of inpatient services by patients whose care is provided from  
21 governmental sources, except that the department may not distribute funds to a  
22 rural hospital to the extent that the distribution would exceed any limitation under  
23 42 USC 1396b (i) (3).

24           **SECTION 1289t.** 49.45 (5r) of the statutes, as created by 2009 Wisconsin Act 2,  
25 is amended to read:

1           49.45 (5r) SUPPLEMENTAL FUNDING FOR UNCOMPENSATED CARE. Notwithstanding  
2 sub. (3) (e) and subject to s. 50.38 (10), from the appropriation account under s. 20.435  
3 (4) (w), the department shall distribute \$3,000,000 in each fiscal year to the  
4 University of Wisconsin Hospital and Clinics for care that is not otherwise  
5 compensated, except that the department may not make payments that exceed  
6 limitations based on customary charges under 42 USC 1396b (i) (3).”.

7           **3.** Page 610, line 2: after that line insert:

8           “**SECTION 1294f.** 49.45 (6y) (ap) of the statutes, as created by 2009 Wisconsin  
9 Act 2, is amended to read:

10           49.45 (6y) (ap) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), from  
11 the appropriation accounts under s. 20.435 (4) (o) and (xc), the department shall  
12 distribute not more than \$8,000,000 in each fiscal year as supplemental payments  
13 to hospitals that satisfy the criteria established by the American College of Surgeons  
14 for classification as a Level I adult trauma center, except that the department may  
15 not make payments that exceed limitations based on customary charges under 42  
16 USC 1396b (i) (3).

17           **SECTION 1294g.** 49.45 (6y) (ar) of the statutes, as created by 2009 Wisconsin  
18 Act 2, is amended to read:

19           49.45 (6y) (ar) Notwithstanding sub. (3) (e) and subject to s. 50.38 (10), the  
20 department may, from the appropriation account under s. 20.435 (4) (xc), make  
21 supplemental payments to hospitals based on hospital performance, in accordance  
22 with a payment methodology developed by the department, except that the  
23 department may not make payments that exceed limitations based on customary  
24 charges under 42 USC 1396b (i) (3).”.

1           **4. Page 621, line 12:** after that line insert:

2           “**SECTION 1317p.** 49.45 (59) (a) of the statutes, as created by 2009 Wisconsin  
3 Act 2, is amended to read:

4           49.45 **(59)** (a) The Subject to s. 50.38 (10), the department shall, from the  
5 appropriation account under s. 20.435 (4) (xc), pay each health maintenance  
6 organization with which it contracts to provide medical assistance a monthly amount  
7 that the health maintenance organization shall use to make payments to hospitals  
8 under par. (b).”.

9           **5. Page 652, line 10:** after that line insert:

10           “**SECTION 1419k.** 50.38 (10) of the statutes is created to read:

11           50.38 **(10)** (a) The department shall ensure that none of the following moneys  
12 are disbursed to a hospital, as defined in s. 50.33 (2), or clinic that performs or to a  
13 hospital or clinic affiliated with a health care provider, as defined in s. 146.81 (1), that  
14 performs abortions, as defined in s. 253.10 (2) (a), in the 2nd or 3rd trimester of  
15 pregnancy or both, except as provided in par. (b):

16           1. Moneys that are collected under sub. (2) and expended under s. 49.45 (3) (e)  
17 11., (5m) (am), (5r), (6y) (ap) or (ar), or (59) (a).

18           2. Moneys that are collected under sub. (2) and refunded under sub. (6).

19           3. Moneys that are collected under sub. (2), transferred under sub. (8), and  
20 expended from the Medical Assistance trust fund.

21           (b) Paragraph (a) does not apply if a 2nd or 3rd trimester abortion performed  
22 by the hospital or clinic or by the health care provider affiliated with the hospital or  
23 clinic is performed in any of the following situations:

1           1. The pregnancy resulted from sexual assault or incest, the physician certifies  
2 that the pregnancy resulted from sexual assault or incest, and the sexual assault or  
3 incest is reported to the law enforcement authorities.

4           2. The abortion is performed to save the life of the woman or is medically  
5 necessary to prevent grave, long-lasting physical health damage to the woman and  
6 the physician certifies that the abortion is medically necessary to save the life of the  
7 woman or to prevent grave, long-lasting physical health damage to the woman.”.

8           **6.** Page 1891, line 11: after that line insert:

9           “(14f) PROHIBIT PAYMENTS TO HOSPITALS PERFORMING LATE-TERM ABORTIONS. The  
10 treatment of sections 20.435 (4) (w), 49.45 (3) (e) 11., (5m) (am), (5r), (6y) (ap) and (ar),  
11 and (59) (a), and 50.38 (10) of the statutes takes effect on July 1, 2009, or on the day  
12 after publication, whichever is later.”.

13                                 **(END)**