



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0453/P2
TJD:amn

DOA:.....Bollhorst, BB0116 - Repeal 2017 Act 370 provisions related to
Medicaid Waivers

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Eliminating legislative oversight over federal law waivers

[2017 Wisconsin Act 370](#) prohibits DHS from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation that requires submission of a request that has not yet been submitted, Act 370 requires DHS to submit an implementation plan to JCF and submit its final proposed request to JCF for approval. Act 370 requires DHS to take certain actions and submit monthly progress reports to JCF once a request has been submitted to the federal agency. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, Act 370 requires DHS to submit its final implementation plan to JCF for approval. Act 370 allows JCF to reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to

be submitted if JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request. This bill eliminates the requirement that legislation be enacted in order for DHS to submit a request for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project. The bill also eliminates the legislative review procedure for requests for waivers, pilot programs, or demonstration projects required by Act 370.

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

SECTION 1. 20.940 of the statutes is repealed.

****NOTE: This reconciles s. 49.45 (23b) (f). The elimination from this draft has been affected by drafts with the following LRB numbers: -0454/P1 and -0455/P3.

SECTION 2. 601.83 (1) (a) of the statutes is amended to read:

601.83 (1) (a) The commissioner shall administer a state-based reinsurance program known as the healthcare stability plan in accordance with the specific terms and conditions approved by the federal department of health and human services dated July 29, 2018. Before December 31, 2023, the commissioner may not request from the federal department of health and human services a modification, suspension, withdrawal, or termination of the waiver under [42 USC 18052](#) under which the healthcare stability plan under this subchapter operates unless legislation has been enacted specifically directing the modification, suspension, withdrawal, or termination. Before December 31, 2023, the commissioner may request renewal, without substantive change, of the waiver under [42 USC 18052](#) under which the health care stability plan operates ~~in accordance with s. 20.940 (4)~~ unless legislation has been enacted that is contrary to such a renewal request. ~~The commissioner shall comply with applicable timing in and requirements of s. 20.940.~~

(END)