



## 2007 ASSEMBLY BILL 927

March 11, 2008 - Introduced by Representatives VAN ROY, SHILLING, BIES, MONTGOMERY, NELSON, NYGREN, SOLETSKI, MASON, TURNER, BERCEAU, BOYLE, GARTHWAITE, HRAYCHUCK, MOULTON, MUSSER, A. OTT, SHERIDAN, A. WILLIAMS, YOUNG, KREUSER and STEINBRINK, cosponsored by Senators HANSEN, KAPANKE, LEHMAN, DARLING, KREITLOW, SCHULTZ and TAYLOR. Referred to Committee on Health and Healthcare Reform.

1     **AN ACT** *to repeal* 49.45 (24i) (title) and (e) and 49.45 (24i) (a) to (d); *to amend*  
2           20.435 (4) (b) and 20.435 (4) (b); and *to create* 49.45 (24i) of the statutes;  
3           **relating to:** a pilot program to increase Medical Assistance reimbursement  
4           rates for pediatric dental care and adult emergency dental services in certain  
5           counties and making an appropriation.

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### ***Analysis by the Legislative Reference Bureau***

Under current federal and state law, Medical Assistance (MA) is a jointly funded, federal-state program, including BadgerCare Plus, that the Department of Health and Family Services (DHFS) administers to provide health care benefits to eligible individuals with very low incomes and few assets (generally, pregnant women, certain children, certain parents or caretaker relatives, certain adults under age 21 who were in foster care, migrant workers and their dependents, and elderly or disabled individuals).

This bill requires DHFS to request a waiver of federal Medicaid laws, and to submit amendments to the state MA plan, to the secretary of the federal department of health and human services, in order to implement, as a two-year pilot project, an increase in the MA reimbursement rate for pediatric dental care and adult emergency dental services provided in La Crosse, Brown, and Racine counties. Subject to approval of the waiver and state plan amendments, the bill specifies the reimbursement rate payable and increases the MA general program revenues appropriation account by \$1,638,800 in each fiscal year of the pilot project.

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Under the bill, if the pilot project is implemented, DHFS must submit reports to the legislature, including to the members of the Joint Committee on Finance, that specify, under certain requirements, the effect that the reimbursement rate increase has had on dental access for MA recipients.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.435 (4) (b) of the statutes, as affected by 2007 Wisconsin Act 20,  
2 is amended to read:  
3           20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts  
4 in the schedule to provide a portion of the state share of Medical Assistance program  
5 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care  
6 health care program under s. 49.665, to provide a portion of the Medical Assistance  
7 program benefits administered under subch. IV of ch. 49 that are not also provided  
8 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion  
9 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund  
10 services provided by resource centers under s. 46.283, for services under the family  
11 care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss.  
12 49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in  
13 2005 Wisconsin Act 15, section 3, and to fund the dental reimbursement pilot project  
14 under s. 49.45 (24i). Notwithstanding s. 20.002 (1), the department may transfer  
15 from this appropriation account to the appropriation account under sub. (7) (kb)  
16 funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding  
17 ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this  
18 appropriation account and may transfer between fiscal years funds that it transfers  
19 from the appropriation account under sub. (7) (kb) for the purposes specified in s.

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1 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this  
2 appropriation account to the appropriation account under sub. (7) (bd) funds in the  
3 amount and for the purposes specified in s. 49.45 (6v).

4 **SECTION 2.** 20.435 (4) (b) of the statutes, as affected by 2007 Wisconsin Acts 20  
5 and .... (this act), is amended to read:

6 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts  
7 in the schedule to provide a portion of the state share of Medical Assistance program  
8 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care  
9 health care program under s. 49.665, to provide a portion of the Medical Assistance  
10 program benefits administered under subch. IV of ch. 49 that are not also provided  
11 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion  
12 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund  
13 services provided by resource centers under s. 46.283, for services under the family  
14 care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss.  
15 49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in  
16 2005 Wisconsin Act 15, section 3, ~~and to fund the dental reimbursement pilot project~~  
17 ~~under s. 49.45 (24i).~~ Notwithstanding s. 20.002 (1), the department may transfer  
18 from this appropriation account to the appropriation account under sub. (7) (kb)  
19 funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding  
20 ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this  
21 appropriation account and may transfer between fiscal years funds that it transfers  
22 from the appropriation account under sub. (7) (kb) for the purposes specified in s.  
23 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this  
24 appropriation account to the appropriation account under sub. (7) (bd) funds in the  
25 amount and for the purposes specified in s. 49.45 (6v).

**ASSEMBLY BILL 927****SECTION 3**

1           **SECTION 3.** 49.45 (24i) of the statutes is created to read:

2           49.45 **(24i)** DENTAL REIMBURSEMENT PILOT PROGRAM. (a) Subject to par. (c), from  
3 the appropriation account under s. 20.435 (4) (b), the department shall distribute  
4 \$1,638,800 in each fiscal year to increase the reimbursement rate under Medical  
5 Assistance for pediatric dental care and adult emergency dental services, as  
6 determined by the department, that are provided in Brown, La Crosse, and Racine  
7 counties. The reimbursement rate for these services shall equal the 75th percentile  
8 of payment amounts that dentists report that they most often charge for these  
9 services, based on the most recent fee survey for the east north central region  
10 conducted by the American Dental Association, so that, on average, 75 percent of the  
11 fees reported are equal to or less than the increased reimbursement rate, and 25  
12 percent of the fees reported are equal to or greater than the increased reimbursement  
13 rate.

14           (b) The reimbursement rate increase specified in par. (a) shall be distributed,  
15 in La Crosse and Brown Counties, on a fee-for-service basis. In Racine County, the  
16 reimbursement rate increase shall be distributed to health maintenance  
17 organizations that contract with the department to provide Medical Assistance  
18 services for a capitated rate. The department shall specify as a contract requirement  
19 that the health maintenance organizations increase Medical Assistance  
20 reimbursement, by the amount of the reimbursement rate increase, to dental service  
21 providers who make claims to the health maintenance organizations for pediatric  
22 dental care and adult emergency dental services.

23           (c) The department shall request a waiver from, and submit amendments to the  
24 state Medical Assistance plan to, the secretary of the federal department of health  
25 and human services, to implement pars. (a) and (b). If the state plan amendments

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1 are approved and a waiver that is consistent with the provisions of this subsection  
2 is granted and in effect, the department shall implement pars. (a) and (b) beginning  
3 on the effective date of the waiver and shall publish a notice in the Wisconsin  
4 Administrative Register that states the date on which pars. (a) and (b) are  
5 implemented.

6 (d) If a reimbursement rate increase is implemented under pars. (a) and (b), the  
7 department shall, before the first day of the 12th month beginning after the  
8 reimbursement rate increase is implemented, submit a report to the appropriate  
9 standing committees of the legislature under section 13.172 (3), and to the members  
10 of the joint committee on finance. The report shall specify the effect that the  
11 reimbursement rate increase has had on dental access for Medical Assistance  
12 recipients, including all of the following:

13 1. The increase, if any, in all of the following:

14 a. The number of dentists providing pediatric dental care and adult emergency  
15 dental services to recipients of Medical Assistance in Brown, Racine, and La Crosse  
16 Counties.

17 b. The numbers of pediatric dental care and adult emergency dental services  
18 Medical Assistance patients seen.

19 c. The numbers of claims for Medical Assistance reimbursement for pediatric  
20 dental care and adult emergency dental services filed.

21 2. Documentation on the change in volume of services provided for each  
22 allowable dental procedure code.

23 (e) If a reimbursement rate increase is implemented under pars. (a) and (b), the  
24 department shall, before the first day of the 26th month beginning after the

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1 reimbursement rate increase is implemented, submit a report that complies, except  
2 for the submittal date, with the requirements for a report under par. (d).

3 **SECTION 4.** 49.45 (24i) (title) and (e) of the statutes, as created by 2007  
4 Wisconsin Act .... (this act), are repealed.

5 **SECTION 5.** 49.45 (24i) (a) to (d) of the statutes, as created by 2007 Wisconsin  
6 Act .... (this act), are repealed.

7 **SECTION 6. Fiscal changes.**

8 (1) DENTAL REIMBURSEMENT PILOT PROGRAM. In the schedule under section  
9 20.005 (3) of the statutes for the appropriation to the department of health and family  
10 services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2007,  
11 the dollar amount is increased by \$1,638,800 for fiscal year 2008–09 for the dental  
12 reimbursement pilot program.

13 **SECTION 7. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The treatment of section 20.435 (4) (b) by (SECTION 2) of the statutes and the  
16 repeal of section 49.45 (24i) (a) to (d) of the statutes take effect on the first day of the  
17 25th month beginning after the date stated in the Wisconsin Administrative Register  
18 by the department of health and family services under section 49.45 (24i) (c) of the  
19 statutes, as created by this act, as the implementation date for section 49.45 (24i) (a)  
20 and (b) of the statutes, as created by this act.

21 (2) The repeal of section 49.45 (24i) (title) and (e) of the statutes takes effect on  
22 the first day of the 27th month beginning after the date stated in the Wisconsin  
23 Administrative Register by the department of health and family services under

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1 section 49.45 (24i) (c) of the statutes, as created by this act, as the implementation  
2 date for section 49.45 (24i) (a) and (b) of the statutes, as created by this act.

3 (END)