



State of Wisconsin
2021 - 2022 LEGISLATURE

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**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

January 12, 2021 - Offered by Senators LEMAHIEU and TESTIN.

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

2 **1.** Page 13, line 23: after that line insert:

3 **"SECTION 5r.** 49.45 (3) (e) 9m. of the statutes is created to read:

4 49.45 (3) (e) 9m. a. In this subdivision, "hospital-associated service" has the
5 meaning given in s. 50.33 (2d).

6 b. Before January 1, 2022, any hospital-associated service that is provided by
7 a hospital in accordance with s. 50.36 (5m) that is of the type for which payment could
8 be claimed as an inpatient hospital service under the federal Medicare program, 42
9 USC 1395 et seq., shall be included as part of and reimbursed or paid as an inpatient
10 service under this section."

11 **2.** Page 15, line 19: after that line insert:

12 **"SECTION 7d.** 50.33 (2d) of the statutes is created to read:

1 50.33 **(2d)** “Hospital-associated service” means a health care service that
2 meets all of the following conditions:

3 (a) The service is of the same type as those furnished by a hospital in an
4 inpatient or outpatient facility.

5 (b) The service is of a type for which a payment could be claimed as a hospital
6 service under the federal Medicare program, 42 USC 1395 et seq.

7 (c) The service is provided at a location other than in a facility approved by the
8 department under s. 50.35.

9 (d) The service is provided in a home setting before January 1, 2022.

10 **SECTION 7g.** 50.36 (5m) of the statutes is created to read:

11 50.36 **(5m)** If the federal centers for medicare and medicaid services has
12 approved a hospital to provide any hospital-associated service, the department may
13 apply to and enforce upon the hospital as the state standard for the
14 hospital-associated service any rule or standard that is required by the centers for
15 medicare and medicaid services for the service. This subsection does not apply on
16 or after January 1, 2022.

17 **SECTION 7j.** 50.49 (6m) (d) of the statutes is created to read:

18 50.49 **(6m)** (d) A hospital that is providing hospital-associated services in
19 accordance with s. 50.36 (5m).”.

20 **3.** Page 33, line 12: delete the material beginning with “Noncompliance” and
21 ending with “section.” on line 15.

22 **4.** Page 33, line 23: delete the material beginning with that line and ending
23 on page 34, line 7, and substitute:

1 “895.4801 (2) (a) 2. During the period beginning on July 10, 2020, and ending
2 on January 1, 2022, the action or omission is committed while the professional,
3 provider, employee, agent, or contractor is providing services related to the
4 SARS-CoV-2 coronavirus or COVID-19.

5 **SECTION 43p.** 895.4801 (2) (b) (intro.) of the statutes is amended to read:

6 895.4801 (2) (b) (intro.) ~~The actions or omissions relate to health services~~
7 ~~provided or not provided in good faith or are~~ act or omission is substantially
8 consistent with any of the following:

9 **SECTION 43s.** 895.4801 (2) (b) 1. of the statutes is amended to read:

10 895.4801 (2) (b) 1. Any direction, guidance, recommendation, or other
11 statement made by a federal, state, or local official to address ~~or in response to the~~
12 ~~emergency or disaster declared as described under par. (a)~~ the SARS-CoV-2
13 coronavirus or COVID-19.”.

14 (END)