



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 240**

April 13, 2021 - Offered by Representatives ANDERSON, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HINTZ, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK.

1 **AN ACT** *to repeal* 49.45 (2p) and 49.45 (23); *to renumber and amend* 323.29
2 (3) (a); *to amend* 20.435 (4) (jw), 49.45 (23b) (title), 49.45 (23b) (b), 49.45 (23b)
3 (c), 49.45 (23b) (e), 49.471 (4) (a) 4. b. and 49.686 (3) (d); and *to create* 49.471
4 (1) (cr), 49.471 (4) (a) 8., 49.471 (4g), 323.29 (3) (a) 2. and 323.29 (3) (b) 3. of the
5 statutes; **relating to:** eligibility expansion under the Medical Assistance
6 program, a statewide public safety interoperable communication system,
7 emergency services IP network contracts, a geographic information systems
8 database, and mental health treatment capacity.

Analysis by the Legislative Reference Bureau

Eligibility expansion under the Medical Assistance program

BadgerCare Plus and BadgerCare Plus Core are programs under the state's Medical Assistance program, which provides health services to individuals who have limited financial resources. The federal Patient Protection and Affordable Care Act allows a state to receive an enhanced federal medical assistance percentage payment for providing benefits to certain individuals through a state's Medical Assistance

program. This bill changes the family income eligibility level to up to 133 percent of the federal poverty line for parents and caretaker relatives under BadgerCare Plus and for childless adults currently covered under BadgerCare Plus Core and who are incorporated into BadgerCare Plus in this bill. The bill requires the Department of Health Services to comply with all federal requirements and to request any amendment to the state Medical Assistance plan, waiver of Medicaid law, or other federal approval necessary to qualify for the highest available enhanced federal medical assistance percentage for childless adults under the BadgerCare Plus program.

Under current law, certain parents and caretaker relatives with incomes of not more than 100 percent of the federal poverty line, before a 5 percent income disregard is applied, are eligible for BadgerCare Plus benefits. Under current law, childless adults who 1) are under age 65; 2) have family incomes that do not exceed 100 percent of the federal poverty line, before the 5 percent income disregard is applied; and 3) are not otherwise eligible for Medical Assistance, including BadgerCare Plus, are eligible for benefits under BadgerCare Plus Core. The bill eliminates the childless adults demonstration project, known as BadgerCare Plus Core, as a separate program.

Statewide public safety interoperable communication system

Under current law, the Department of Military Affairs provides staff support for the Interoperability Council and is charged with overseeing the development and operation of a statewide public safety interoperable communication system, which is a system that allows various public safety entities, public works and transportation agencies, hospitals, and volunteer emergency services agencies to communicate via radio or other communication technology in an emergency.

The bill provides that DMA must also administer any current or future statewide public safety interoperable communication system, and allows DMA to enter into agreements for maintenance and support of, upgrades to, and enhancements for the statewide public safety interoperable communication system. The bill provides \$66,000,000 to DMA in the 2021-22 fiscal year to develop an updated statewide public safety interoperable communication system.

Emergency services IP network contracts

Under current law, DMA must contract for the creation, operation, and maintenance of an emergency services IP network to provide all public safety answering points with the necessary infrastructure to implement Next Generation 911. The bill provides \$37,000,000 to DMA in the 2021-22 fiscal year for contracts to develop the emergency services IP network.

Geographic information systems database

The bill provides \$3,400,000 to DMA in the 2021-22 fiscal year to develop a statewide geographic information systems database.

Grants for regional psychiatric bed and crisis stabilization capacity

This bill allows the Building Commission to award grants to entities in the cumulative amount of \$30,000,000 for the purpose of expanding capacity psychiatric beds and for crisis stabilization. An entity that is awarded a grant under the bill

must do all of the following: 1) serve individuals who meet the criteria for emergency detention or are in need of crisis stabilization services and who are from one of the Northwest Wisconsin counties specified in the bill; 2) identify measures the entity believes will serve the needs of residents with mental health needs, especially in reducing the burden on the Winnebago Mental Health Institute; 3) report annually to the legislature on the services provided with grant moneys; and 4) recognize that it is liable to repay the grant to the state if the entity fails to maintain continued expanded services as described in the bill. Emergency detention is a current law procedure for temporary involuntary commitment of individuals who are believed to be mentally ill, drug dependent, or developmentally disabled and who demonstrate a substantial probability of causing harm to themselves or others or an inability to satisfy certain basic needs due to a mental illness. If the entity's space for which the grant is awarded under this bill is not used for the purpose agreed to when the grant is awarded, the state retains an ownership interest in the entity's expansion space to the amount of the state's grant.

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

1 **SECTION 1c.** 20.435 (4) (jw) of the statutes is amended to read:

2 20.435 (4) (jw) *BadgerCare Plus and hospital assessment.* All moneys received
3 from payment of enrollment fees under the program under s. 49.45 (23), all moneys
4 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
5 under par. (jz), and 10 percent of all moneys received from penalty assessments
6 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to
7 provide a portion of the state share of administrative costs for the BadgerCare Plus
8 Medical Assistance program under s. 49.471, and for administration of the hospital
9 assessment under s. 50.38.

10 **SECTION 1e.** 49.45 (2p) of the statutes is repealed.

11 **SECTION 1g.** 49.45 (23) of the statutes is repealed.

12 **SECTION 1h.** 49.45 (23b) (title) of the statutes is amended to read:

13 49.45 (23b) (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
14 IMPLEMENTATION REQUIRED.

1 **SECTION 1j.** 49.45 (23b) (b) of the statutes is amended to read:

2 49.45 **(23b)** (b) Beginning as soon as practicable after October 31, 2018, and
3 ending no sooner than December 31, 2023, the department shall do all of the
4 following with regard to the childless adults demonstration project under sub. ~~(23)~~
5 s. 49.471 (4) (a) 8.:

6 1. Require in each month persons, except exempt individuals, who are eligible
7 to receive Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8. and who are at least
8 19 years of age but have not attained the age of 50 to participate in, document, and
9 report 80 hours per calendar month of community engagement activities. The
10 department, after finding good cause, may grant a temporary exemption from the
11 requirement under this subdivision upon request of a Medical Assistance recipient.

12 2. Require persons with incomes of at least 50 percent of the poverty line to pay
13 premiums in accordance with par. (c) as a condition of eligibility for Medical
14 Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8.

15 3. Require as a condition of eligibility for Medical Assistance under sub. ~~(23)~~
16 s. 49.471 (4) (a) 8. completion of a health risk assessment.

17 4. Charge recipients of Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8.
18 an \$8 copayment for nonemergency use of the emergency department in accordance
19 with 42 USC 1396o-1 (e) (1) and 42 CFR 447.54.

20 5. Disenroll from Medical Assistance under sub. ~~(23)~~ s. 49.471 (4) (a) 8. for 6
21 months any individual who does not pay a required premium under subd. 2. and any
22 individual who is required under subd. 1. to participate in a community engagement
23 activity but who does not participate for 48 aggregate months in the community
24 engagement activity.

25 **SECTION 1k.** 49.45 (23b) (c) of the statutes is amended to read:

1 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
2 ~~sub. (23) s. 49.471 (4) (a) 8.~~ and who have monthly household income that exceeds
3 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
4 household. A person who is eligible to receive an item or service furnished by an
5 Indian health care provider is exempt from the premium requirement under this
6 subdivision.

7 2. The department may disenroll under par. (b) 5. a person for nonpayment of
8 a required monthly premium only at annual eligibility redetermination after
9 providing notice and reasonable opportunity for the person to pay. If a person who
10 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
11 exempt from payment of premiums, he or she may reenroll in Medical Assistance
12 under ~~sub. (23) s. 49.471 (4) (a) 8.~~

13 3. The department shall reduce the amount of the required household premium
14 by up to half for a recipient of Medical Assistance under ~~sub. (23) s. 49.471 (4) (a) 8.~~
15 who does not engage in certain behaviors that increase health risks or who attests
16 to actively managing certain unhealthy behaviors.

17 **SECTION 1m.** 49.45 (23b) (e) of the statutes is amended to read:

18 49.45 **(23b)** (e) Before December 31, 2023, the demonstration project
19 requirements under this subsection may not be withdrawn and the department may
20 not request from the federal government withdrawal, suspension, or termination of
21 the demonstration project requirements under this subsection unless legislation has
22 been enacted specifically allowing for the withdrawal, suspension, or termination.

23 **SECTION 1p.** 49.471 (1) (cr) of the statutes is created to read:

24 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a
25 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

1 **SECTION 1q.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

2 49.471 (4) (a) 4. b. The individual's family income does not exceed ~~100~~ 133
3 percent of the poverty line ~~before application of the 5 percent income disregard under~~
4 ~~42 CFR 435.603 (d).~~

5 **SECTION 1r.** 49.471 (4) (a) 8. of the statutes is created to read:

6 49.471 (4) (a) 8. An individual who meets all of the following criteria:

7 a. The individual is an adult under the age of 65.

8 b. The individual has a family income that does not exceed 133 percent of the
9 poverty line, except as provided in sub. (4g).

10 c. The individual is not otherwise eligible for the Medical Assistance program
11 under this subchapter or the Medicare program under 42 USC 1395 et seq.

12 **SECTION 1s.** 49.471 (4g) of the statutes is created to read:

13 49.471 (4g) **MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE.** For
14 services provided to individuals described under sub. (4) (a) 8., the department shall
15 comply with all federal requirements to qualify for the highest available enhanced
16 federal medical assistance percentage. The department shall submit any
17 amendment to the state medical assistance plan, request for a waiver of federal
18 Medicaid law, or other approval request required by the federal government to
19 provide services to the individuals described under sub. (4) (a) 8. and qualify for the
20 highest available enhanced federal medical assistance percentage. Sections 20.940
21 and 49.45 (2t) do not apply to a submission to the federal government under this
22 subsection.

23 **SECTION 1t.** 49.686 (3) (d) of the statutes is amended to read:

24 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
25 for medical assistance within 12 months prior to application for reimbursement

1 under sub. (2). This paragraph does not apply to an individual who is eligible for
2 benefits under ~~the demonstration project for childless adults under s. 49.45 (23) or~~
3 ~~to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471~~
4 (4) (a) 8. or (11).

5 **SECTION 1v.** 323.29 (3) (a) of the statutes is renumbered 323.29 (3) (a) (intro.)
6 and amended to read:

7 323.29 (3) (a) (intro.) The department shall ~~provide~~ do all of the following:

8 1. Provide staff support for the council ~~and oversight of.~~

9 3. Oversee the development and operation of ~~a~~ any current or future statewide
10 public safety interoperable communication system.

11 **SECTION 2.** 323.29 (3) (a) 2. of the statutes is created to read:

12 323.29 (3) (a) 2. Administer any current or future statewide public safety
13 interoperable communication system.

14 **SECTION 3.** 323.29 (3) (b) 3. of the statutes is created to read:

15 323.29 (3) (b) 3. Enter into agreements for maintenance and support of,
16 upgrades to, and enhancements for the statewide public safety interoperable
17 communication system under this section.

18 **SECTION 9104. Nonstatutory provisions; Building Commission.**

19 (1) GRANT FOR MENTAL HEALTH TREATMENT CAPACITY.

20 (a) The legislature finds and determines that expanding psychiatric bed
21 capacity and crisis stabilization capacity as described in par. (b) would greatly
22 benefit state residents by expanding access to timely inpatient mental health
23 treatment and services and allowing public financial resources to be better
24 distributed to more effectively improve delivery of mental health services. It is
25 therefore in the public interest, and it is the public policy of this state, to assist the

1 entities described under par. (b) in expanding psychiatric bed capacity and
2 stabilization services.

3 (b) In fiscal year 2021-22, the building commission may award under s. 13.48
4 (20s) grants in the amount of \$30,000,000 cumulatively for the purpose of expanding
5 capacity for psychiatric beds and for crisis stabilization to entities that apply to the
6 building commission, that agree to provide psychiatric or stabilization services
7 regionally, and meet all of the following criteria:

8 1. The entity agrees to serve individuals who meet the criteria for emergency
9 detention under s. 51.15 or are in need of crisis stabilization and who are from
10 Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau
11 Claire, Iron, Jackson, La Crosse, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce,
12 Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas, Washburn, or Wood
13 Counties.

14 2. The entity identifies measures that it believes will serve the needs of
15 residents of the region with mental health needs, especially, as a critical component
16 of the measures, in reducing the burden on the Winnebago Mental Health Institute.

17 3. The entity agrees to annually report to the legislature, in the manner
18 described under s. 13.172 (2), the services provided with the resources funded by the
19 grant awarded under this subsection, including the number of individuals diverted
20 from the Winnebago Mental Health Institute.

21 4. The entity recognizes that it is liable to repay the grant funds to the state
22 if the entity fails to continue to maintain the expanded services as proposed in the
23 grant application. The amount the entity is liable for repayment is reduced
24 proportionately each year for 10 years of continuing expanded services as described
25 under par. (c).

1 (c) A determination of continued services shall be based on findings that the
2 entity does all of the following:

3 1. If the entity is expanding psychiatric bed capacity, the entity maintains an
4 agreed upon number of beds for acceptance of admissions for emergency detention
5 under s. 51.15.

6 2. Enters into a contract with, at minimum, two-thirds of the counties specified
7 in par. (b) 1. in which the entity agrees to accept for services individuals regardless
8 of payment source.

9 (d) Notwithstanding s. 150.93, any entity that is a hospital that expands
10 psychiatric bed capacity under this subsection may increase its approved bed
11 capacity.

12 (e) If, for any reason, the entity's facility space, for which the grant is awarded
13 under par. (b), is not used for the purpose of expanding psychiatric bed or crisis
14 stabilization capacity as agreed when awarded the grant, the state shall retain an
15 ownership interest in the entity's expansion space equal to the amount of the state's
16 grant.

17 **SECTION 9119. Nonstatutory provisions; Health Services.**

18 (1) CHILDLESS ADULTS DEMONSTRATION PROJECT. The department of health
19 services shall submit any necessary request to the federal department of health and
20 human services for a state plan amendment or waiver of federal Medicaid law or to
21 modify or withdraw from any waiver of federal Medicaid law relating to the childless
22 adults demonstration project under s. 49.45 (23), 2019 stats., to reflect the
23 incorporation of recipients of Medical Assistance under the demonstration project
24 into the BadgerCare Plus program under s. 49.471 and the termination of the

1 demonstration project. Sections 20.940 and 49.45 (2t) do not apply to a submission
2 to the federal government under this subsection.

3 **SECTION 9219. Fiscal changes; Health Services.**

4 (1) MEDICAID EXPANSION. In the schedule under s. 20.005 (3) for the
5 appropriation to the department of health services under s. 20.435 (4) (b), the dollar
6 amount for fiscal year 2021-22 is decreased by \$849,788,000 as a result of expanding
7 eligibility for the Medical Assistance program. In the schedule under s. 20.005 (3)
8 for the appropriation to the department of health services under s. 20.435 (4) (b), the
9 dollar amount for fiscal year 2022-23 is decreased by \$841,925,400 as a result of
10 expanding eligibility for the Medical Assistance program.

11 **SECTION 9231. Fiscal changes; Military Affairs.**

12 (1) PUBLIC SAFETY INTEROPERABLE RADIO NETWORK. In the schedule under s.
13 20.005 (3) for the appropriation to the department of military affairs under s. 20.465
14 (3) (a), the dollar amount for fiscal year 2021-22 is increased by \$66,000,000 to
15 develop an updated statewide public safety interoperable communication system as
16 provided under s. 323.29 (3) (a) 3.

17 (2) EMERGENCY SERVICES IP NETWORK CONTRACTS. In the schedule under s. 20.005
18 (3) for the appropriation to the department of military affairs under s. 20.465 (3) (a),
19 the dollar amount for fiscal year 2021-22 is increased by \$37,000,000 to develop the
20 emergency services IP network under s. 256.35 (3s) (b).

21 (3) GEOGRAPHIC INFORMATION SYSTEMS DATABASE. In the schedule under s. 20.005
22 (3) for the appropriation to the department of military affairs under s. 20.465 (3) (a),
23 the dollar amount for fiscal year 2021-22 is increased by \$3,400,000 to develop a
24 statewide geographic information systems database.

