

State of Wisconsin



2005 Senate Bill 312

Date of enactment: **April 19, 2006**

Date of publication*: **May 2, 2006**

2005 WISCONSIN ACT 355

AN ACT *to renumber and amend* 46.277 (5) (g); and *to create* 46.277 (5) (g) 3. of the statutes; **relating to:** expanding relocations from nursing homes under a community integration program to include Medical Assistance–eligible persons who are diverted from imminent entry into nursing homes and providing an exemption from rule–making procedures.

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

SECTION 1. 46.277 (5) (g) of the statutes, as affected by 2005 Wisconsin Act 25, is renumbered 46.277 (5) (g) 1. and amended to read:

46.277 (5) (g) 1. The department may provide enhanced reimbursement for services provided under this section to an individual who, on or after July 27, 2005, is relocated to the community from a nursing home by a county department ~~on or after July 27, 2005~~, if the or to an individual who meets the level of care requirements for Medical Assistance reimbursement in a skilled nursing facility or an intermediate care facility and is diverted from imminent entry into a nursing home. Except as provided in subd. 3., the number of individuals served under this paragraph does may not exceed the number of nursing home beds that are delicensed as part of plans submitted by nursing homes and approved by the department, and the number of individuals diverted from imminent entry into a nursing home may not exceed 150.

2. The department shall develop and utilize a formula to determine the enhanced reimbursement rate for services provided under subd. 1. The department shall also

develop and utilize criteria for determining imminent entry into a nursing home under subd. 1. that shall include an imminent loss of current living arrangements and an imminent risk of a long–term nursing home stay. The department need not promulgate as rules under ch. 227 the criteria required to be developed and utilized under this subdivision.

SECTION 2. 46.277 (5) (g) 3. of the statutes is created to read:

46.277 (5) (g) 3. If it is likely that the number of individuals for whom an enhanced reimbursement for services is provided under subd. 1. and who are diverted from imminent entry into nursing homes will exceed 150, the department may submit a request to the joint committee on finance for approval to provide enhanced reimbursement for services provided under subd. 1. for diversion from imminent entry into nursing homes for a number of individuals in excess of 150. Notwithstanding s. 13.101 (3) (a), the committee is not required to find that an emergency exists. If the cochairpersons of the committee do not notify the secretary within 14 working days after the date of the department's submittal that the committee intends to schedule a meeting to review the request, approval of the request is granted. If, within 14 working days after the date of the department's request

* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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ing to review the request, the request may be granted only as approved by the committee.
