



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0269/2  
DAK:kjf:rs

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 312**

November 10, 2005 - Offered by Senator ROESSLER.

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

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

Under current law, the Department of Health and Family Services (DHFS) provides home or community-based care, under a waiver of federal Medicaid laws, to Medical Assistance (MA) recipients who are relocated from nursing homes or who meet MA level of care requirements for nursing home care. The community integration program under which this care is provided is commonly known as "CIP II." Also under current law, as affected by 2005 Wisconsin Act 25 (the biennial budget act), DHFS is authorized to pay an enhanced rate for MA services under CIP II for persons who are relocated from a nursing home by a county department after July 27, 2005, if the number of persons served does not exceed the number of nursing home beds that are delicensed as part of plans submitted by nursing homes and approved by DHFS.

This substitute amendment expands eligibility for the enhanced reimbursement rate for services under CIP II to up to 150 persons who meet MA level

of care requirements for nursing home care and are diverted from imminent entry into nursing homes. DHFS must develop and utilize criteria for determining imminent entry into a nursing home. The criteria are, under the substitute amendment, exempted from rule-making requirements. If it is likely that the number of persons for which the enhanced MA reimbursement rate for services is provided for diversions from immanent entry into nursing homes will exceed 150, DHFS may submit a request to the Joint Committee on Finance of the legislature, under a passive review process, for approval to expand the number of that category of persons served.

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

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

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

14           2. The department shall develop and utilize a formula to determine the  
15 enhanced reimbursement rate for services provided under subd. 1. The department  
16 shall also develop and utilize criteria for determining imminent entry into a nursing  
17 home under subd. 1. that shall include an imminent loss of current living

1 arrangements and an imminent risk of a long-term nursing home stay. The  
2 department need not promulgate as rules under ch. 227 the criteria required to be  
3 developed and utilized under this subdivision.

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

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

19 (END)