



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBb1351/1
TJD:kjf:rs

**ASSEMBLY AMENDMENT 9,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 40**

June 14, 2011 – Offered by Representatives RICHARDS, PASCH, ROYS, SEIDEL and YOUNG.

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

2 **1.** Page 342, line 3: after that line insert:

3 “**SECTION 642d.** 20.435 (4) (bv) of the statutes is amended to read:

4 20.435 (4) (bv) *Prescription drug assistance for elderly; aids.* Biennially, the
5 amounts in the schedule for payment to pharmacies and pharmacists under s. 49.688
6 (7) for prescription drug assistance for elderly persons and, if there are moneys
7 remaining after payments to pharmacies and pharmacists, for the purposes under
8 s. 49.688 (13).”

9 **2.** Page 342, line 21: after that line insert:

10 “**SECTION 646j.** 20.435 (4) (j) of the statutes is amended to read:

11 20.435 (4) (j) *Prescription drug assistance for elderly; manufacturer rebates.*

12 All moneys received from rebate payments by manufacturers under s. 49.688 (6), to

1 be used for payment to pharmacies and pharmacists under s. 49.688 (7) for
2 prescription drug assistance for elderly persons and, if there are moneys remaining
3 after payments to pharmacies and pharmacists, for the purposes under s. 49.688
4 (13).

5 **SECTION 646k.** 20.435 (4) (jb) of the statutes is amended to read:

6 20.435 (4) (jb) *Prescription drug assistance for elderly; enrollment fees.* All
7 moneys received from payment of enrollment fees under s. 49.688 (3), to be used for
8 administration of the program under s. 49.688 and, if there are moneys remaining
9 after paying for program administration, for the purposes under s. 49.688 (13)."

10 **3.** Page 510, line 21: after that line insert:

11 **"SECTION 1298m.** 46.281 (1n) (g) of the statutes is created to read:

12 46.281 (1n) (g) The department shall use funds received for the Money Follows
13 the Person Rebalancing Demonstration Project authorized under section 6071 of the
14 federal Deficit Reduction Act of 2005 to enroll individuals receiving institutional care
15 in the family care program under s. 46.286, the family care partnership program
16 operated under an amendment to the state medical assistance plan, as authorized
17 in 42 USC 1396n (i), or the self-directed services option operated under a waiver
18 from the secretary of the federal department of health and human services under 42
19 USC 1396n (c)."

20 **4.** Page 571, line 9: after "programs" insert " , except that the department may
21 not implement a policy that supersedes a statute".

22 **5.** Page 572, line 1: delete lines 1 to 14 and substitute:

23 "(d) 1. Before implementing a policy proposed under par. (c), the department
24 shall hold a public hearing on those changes.

1 2. Before implementing a policy proposed under par. (c), the department shall
2 request that the legislative reference bureau draft legislation to incorporate that
3 change into the statutes. The secretary shall submit the proposed legislation to the
4 standing committee of each house of the legislature that has jurisdiction over
5 Medical Assistance matters under s. 13.172 (3).”.

6 **6.** Page 572, line 25: delete the material beginning with “If the waiver” and
7 ending with “42 USC 1396a (gg) (3).” on page 573, line 5.

8 **7.** Page 573, line 20: delete the material beginning with “repealed and” and
9 ending with “is” on line 24.

10 **8.** Page 575, line 17: delete the material beginning with “repealed and” and
11 ending with “is” on line 21.

12 **9.** Page 578, line 18: delete the material beginning with “Unless otherwise”
13 and ending with “reimbursement” on line 19 and substitute “Reimbursement”.

14 **10.** Page 578, line 24: delete the material beginning with that line and ending
15 with page 579, line 6.

16 **11.** Page 579, line 13: delete the material beginning with “supervision,” and
17 ending with “sub. (2m) (c).” on line 22 and substitute “supervision.”.

18 **12.** Page 580, line 1: delete the material beginning with “Unless” and ending
19 with “, the” on line 2 and substitute “The”.

20 **13.** Page 580, line 9: delete lines 9 to 18.

21 **14.** Page 581, line 2: delete the material beginning with “unless” and ending
22 with “(c)” on line 3.

23 **15.** Page 581, line 7: delete lines 7 to 19.

- 1 **16.** Page 582, line 20: delete the material beginning with “Unless” and ending
2 with “, no” on line 21 and substitute “No”.
- 3 **17.** Page 583, line 1: delete lines 1 to 15.
- 4 **18.** Page 583, line 19: delete the material beginning with “, unless” and ending
5 with “(c)” on line 20.
- 6 **19.** Page 583, line 21: delete lines 21 to 25.
- 7 **20.** Page 584, line 3: delete the material beginning with “Unless” and ending
8 with “(c), the” on line 4 and substitute “The”.
- 9 **21.** Page 584, line 6: delete lines 6 to 10.
- 10 **22.** Page 584, line 16: delete the material beginning with “received, unless”
11 and ending with “(2m)(e)” on line 24 and substitute “received.”.
- 12 **23.** Page 585, line 9: delete the material beginning with “If the department”
13 and ending with “policy.” on line 22.
- 14 **24.** Page 586, line 3: delete the material beginning with “Unless” and ending
15 with “, cost” on line 4 and substitute “Cost”.
- 16 **25.** Page 586, line 10: delete lines 10 to 21.
- 17 **26.** Page 587, line 7: delete lines 7 to 20.
- 18 **27.** Page 588, line 5: delete “is amended” and substitute “, as affected by 2011
19 Wisconsin Act 10, is repealed and recreated”.
- 20 **28.** Page 588, line 11: delete the material beginning with “If the department”
21 and ending with “policy.” on line 12.

- 1 **29.** Page 588, line 13: delete “is amended” and substitute “, as affected by 2011
2 Wisconsin Act 10, is repealed and recreated”.
- 3 **30.** Page 588, line 18: delete the material beginning with “waiver. If the” and
4 ending with “policy.” on line 20 and substitute “waiver.”.
- 5 **31.** Page 589, line 2: delete the material beginning with “, unless” and ending
6 with “10” on line 3.
- 7 **32.** Page 589, line 13: delete lines 13 to 21.
- 8 **33.** Page 590, line 9: delete the material beginning with “If the department”
9 and ending with “policy.” on line 24.
- 10 **34.** Page 591, line 6: delete the material beginning with “42 USC 1396b (v),”
11 and ending with “sub. (2m) (c).” on line 14 and substitute “42 USC 1396b (v).”.
- 12 **35.** Page 591, line 21: delete the material beginning with “unless” and ending
13 with “(2m) (c),” on line 22.
- 14 **36.** Page 592, line 5: delete the material beginning with “unless” and ending
15 with “(2m) (c),” on line 6.
- 16 **37.** Page 593, line 3: delete the material beginning with that line and ending
17 with page 594, line 14.
- 18 **38.** Page 597, line 6: delete the material beginning with “repealed” and ending
19 with “is” on line 10.
- 20 **39.** Page 597, line 13: delete the material beginning with “and unless” and
21 ending with “(2m) (c)” on line 14.
- 22 **40.** Page 597, line 17: delete lines 17 to 22.

1 **41.** Page 598, line 1: delete the material beginning with “and unless” and
2 ending with “(2m) (c)” on line 2.

3 **42.** Page 598, line 5: delete lines 5 to 10.

4 **43.** Page 601, line 5: delete the material beginning with “Unless” and ending
5 with “(2m) (c), a” on line 6 and substitute “A”.

6 **44.** Page 601, line 11: delete lines 11 to 18.

7 **45.** Page 603, line 3: delete the material beginning with “Unless” and ending
8 with “(2m) (c), any” on line 6 and substitute “Any”.

9 **46.** Page 603, line 7: delete lines 7 to 12.

10 **47.** Page 604, line 23: delete the material beginning with “repealed” and
11 ending with “is” on page 605, line 5.

12 **48.** Page 605, line 8: delete the material beginning with “Unless” and ending
13 with “(2m) (c), the” on line 6 and substitute “The”.

14 **49.** Page 605, line 11: delete lines 11 to 15.

15 **50.** Page 608, line 4: delete the material beginning with “repealed” and ending
16 with “is” on line 9.

17 **51.** Page 608, line 12: delete the material beginning with “and unless” and
18 ending with “(2m) (c)” on line 13.

19 **52.** Page 608, line 16: delete lines 16 to 21.

20 **53.** Page 608, line 25: delete the material beginning with “Unless” and ending
21 with “(2m) (c), the” on page 609, line 1, and substitute “The”.

22 **54.** Page 609, line 4: delete lines 4 to 10.

1 **55.** Page 610, line 1: delete the material beginning with “Unless” and ending
2 with “(2m) (c), a” on line 2 and substitute “A”.

3 **56.** Page 610, line 6: delete lines 6 to 12.

4 **57.** Page 610, line 19: delete the material beginning with “, unless” and ending
5 with “49.45 (2m) (c)” on line 20.

6 **58.** Page 610, line 21: delete the material beginning with that line and ending
7 with page 611, line 3.

8 **59.** Page 612, line 16: after that line insert:

9 “**SECTION 1481k.** 49.688 (13) of the statutes is created to read:

10 49.688 (13) If there are moneys available in the appropriation accounts under
11 s. 20.435 (4) (bv), (j), or (jb), the department shall use those moneys to reduce
12 enrollment costs for individuals participating in the program under this section, to
13 reduce the prices paid by individuals in the program under this section for
14 prescription drugs, and to enlarge the number of prescription drugs available under
15 the program under this section.”.

16 **60.** Page 1449, line 7: delete the material beginning with that line and ending
17 with page 1452, line 18, and substitute:

18 “(3h) LONG-TERM CARE COST-EFFECTIVENESS STUDY.

19 (a) In this subsection:

20 1. “Family care partnership program” means an integrated health and
21 long-term care program operated under an amendment to the state medical
22 assistance plan, as authorized in 42 USC 1396n (i).

23 2. “Family care program” means the benefit program under section 46.286 of
24 the statutes.

1 3. “Institutional facility” means a nursing home under section 50.01 (3) of the
2 statutes, an intermediate care facility for persons with mental retardation under
3 section 50.14 (1) (b) of the statutes, or a center for the developmentally disabled
4 under section 51.01 (3) of the statutes.

5 4. “Long-term care programs” means all of the following:

6 a. The family care program.

7 b. The self-directed services option.

8 c. The family care partnership program.

9 d. The program for all-inclusive care for the elderly under 42 USC 1396u-4.

10 5. “Self-directed services option” means the program operated under a waiver
11 from the secretary of the federal department of health and human services under 42
12 USC 1396n (c) that allows participants to self-manage publicly funded long-term
13 care services.

14 (b) The joint legislative audit committee is requested to direct the legislative
15 audit bureau to conduct a performance evaluation of the family care program, the
16 family care partnership program, the self-directed services option, and the program
17 for all-inclusive care of the elderly under 42 USC 1396u-4. If conducted, the audit
18 shall compare the cost-effectiveness of each program to each of the other programs;
19 the cost-effectiveness of each program to the benefits provided to medical assistance
20 recipients under section 49.46 (2) (a) and (b) of the statutes; the cost-effectiveness
21 of the care that individuals receive before they enroll in a long-term care program
22 to the care that the individuals receive in a long-term care program; and the cost
23 effectiveness of the care individuals receive in a long-term care program to the cost
24 of care in an institutional facility. If the committee directs the legislative audit

1 bureau to conduct the audit, the bureau shall file its reports in the manner described
2 under section 13.94 (1) (b) of the statutes by March 1, 2012.”.

3 **61.** Page 1454, line 10: after that line insert:

4 “(9f) PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY CONTINUATION. The department
5 of health services shall request from the federal secretary of health and human
6 services any waiver of federal medicaid laws necessary to permit the department of
7 health services to continue administering the program under section 49.688 of the
8 statutes. The department shall implement any waiver received under this
9 subsection.”.

10 **62.** Page 1456, line 20: after that line insert:

11 “(13c) MEDICAL ASSISTANCE UNSPECIFIED REDUCTIONS. Notwithstanding section
12 49.45 (2m) (c) of the statutes, as affected by this act, the department of health
13 services may not implement any cost savings measures under section 49.45 (2m) (c)
14 of the statutes, as affected by this act, that reduce eligibility, reduce services or
15 benefits to Medical Assistance recipients, or increase cost-sharing for recipients.
16 The department of health services shall, when implementing any cost savings
17 measures to the Medical Assistance program under section 49.45 (2m) (c) of the
18 statutes, as affected by this act, improve efficiencies, eliminate overlap, and
19 implement other administrative measures.”.

20 **63.** Page 1525, line 5: delete the material beginning with “treatment of” and
21 ending with “statutes take” on line 16 and substitute “repeal of section 49.45 (2m)
22 takes”.

23

(END)