



## 2005 ASSEMBLY BILL 847

November 29, 2005 - Introduced by Representatives SCHNEIDER, BOYLE, BLACK, YOUNG and ZEPNICK. Referred to Joint Committee on Finance.

1     **AN ACT to amend** 139.31 (1) (a) and 139.31 (1) (b) of the statutes; **relating to:**  
2           increasing the rate of the tax imposed on cigarettes; increasing the Medical  
3           Assistance nursing home and hospital outpatient reimbursement rates;  
4           increasing Medical Assistance reimbursement for projected caseload increases;  
5           transferring moneys to the Medical Assistance trust fund; increasing the  
6           Medical Assistance, BadgerCare, and Senior Care pharmacy drug  
7           reimbursement rates and pharmacy dispensing fees; and making  
8           appropriations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the rate of the tax imposed on cigarettes is 77 cents per pack. Under this bill, the rate of the tax imposed on cigarettes is 97 cents per pack.

Currently, as affected by 2005 Wisconsin Act 25 (the biennial budget act), nursing homes that provide services to recipients of Medical Assistance (MA) receive reimbursement, under a formula, from state general purpose revenues, certain program revenues, the MA trust fund, and federal Medicaid moneys. This bill increases the state general purpose revenue appropriation by \$5,141,700 for fiscal year 2005-06 and by \$10,118,000 for fiscal year 2006-07 to provide a 1.4 percent increase in each fiscal year to the nursing home MA reimbursement rate.

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Currently, as affected by the biennial budget act, the rate of reimbursement paid for brand name and certain generic drugs purchased under MA, BadgerCare, and Senior Care is the average wholesale price (AWP) minus 16 percent. This bill increases the reimbursement rate for these drugs for MA, BadgerCare, and Senior Care to AWP minus 13 percent, by increasing the general purpose revenues appropriations for these programs by a total of \$3,921,300 for fiscal year 2005–06 and by a total of \$6,020,000 for fiscal year 2006–07.

Currently, as affected by the biennial budget act, the dispensing fee paid for drugs dispensed by pharmacies under MA, BadgerCare, and Senior Care is \$3.88 per prescription. This bill increases the drug dispensing fee to \$4.38 per prescription for drugs dispensed under MA, BadgerCare, and Senior Care, by increasing the general purpose revenues for these programs by a total of \$1,319,800 in fiscal year 2005–06 and by a total of \$1,880,500 in fiscal year 2006–07.

Currently, as affected by the biennial budget act, hospitals are reimbursed for providing outpatient services to MA recipients. This bill increases the MA general purpose revenues appropriation by \$2,500,000 in each year of the fiscal biennium to provide an across-the-board rate increase for MA outpatient hospital services, beginning in the 2005–06 fiscal year.

This bill increases the MA general purpose appropriation by \$500,000 in fiscal year 2005–06 and by \$1,000,000 in fiscal year 2006–07 to fund projected case load increases.

Lastly, the bill transfers \$46,409,100 for fiscal year 2005–06 and \$13,800,000 for fiscal year 2006–07 from the general fund to the MA trust fund, to provide reimbursement for MA services.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 139.31 (1) (a) of the statutes is amended to read:

2           139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,  
3           ~~38.5~~ 48.5 mills on each cigarette.

4           **SECTION 2.** 139.31 (1) (b) of the statutes is amended to read:

5           139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~77~~ 97  
6           mills on each cigarette.

7           **SECTION 9221. Appropriation changes; health and family services.**

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1           (1) NURSING HOME MEDICAL ASSISTANCE REIMBURSEMENT RATE. In the schedule  
2 under section 20.005 (3) of the statutes for the appropriation to the department of  
3 health and family services under section 20.435 (4) (b) of the statutes, as affected by  
4 the acts of 2005, the dollar amount is increased by \$5,141,700 for fiscal year 2005-06  
5 and the dollar amount is increased by \$10,118,000 for fiscal year 2006-07 to increase  
6 funding for Medical Assistance reimbursement to facilities under section 49.45 (6m)  
7 of the statutes.

8           (2) MEDICAL ASSISTANCE PHARMACY DRUG REIMBURSEMENT RATE. In the schedule  
9 under section 20.005 (3) of the statutes for the appropriation to the department of  
10 health and family services under section 20.435 (4) (b) of the statutes, as affected by  
11 the acts of 2005, the dollar amount is increased by \$2,270,300 for fiscal year 2005-06  
12 and the dollar amount is increased by \$3,430,900 for fiscal year 2006-07 to increase  
13 the reimbursement rate for drugs purchased under Medical Assistance to the  
14 average wholesale price minus 13 percent.

15           (3) BADGERCARE PHARMACY DRUG REIMBURSEMENT RATE. In the schedule under  
16 section 20.005 (3) of the statutes for the appropriation to the department of health  
17 and family services under section 20.435 (4) (bc) of the statutes, as affected by the  
18 acts of 2005, the dollar amount is increased by \$234,100 for fiscal year 2005-06 and  
19 the dollar amount is increased by \$386,400 for fiscal year 2006-07 to increase the  
20 reimbursement rate for drugs purchased under BadgerCare to the average  
21 wholesale price minus 13 percent.

22           (4) SENIOR CARE PHARMACY DRUG REIMBURSEMENT RATE. In the schedule under  
23 section 20.005 (3) of the statutes for the appropriation to the department of health  
24 and family services under section 20.435 (4) (bv) of the statutes, as affected by the  
25 acts of 2005, the dollar amount is increased by \$1,416,900 for fiscal year 2005-06 and

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1 the dollar amount is increased by \$2,202,700 for fiscal year 2006-07 to increase the  
2 reimbursement rate for drugs purchased under Senior Care to the average wholesale  
3 price minus 13 percent.

4 (5) MEDICAL ASSISTANCE PHARMACY DISPENSING FEE RATE. In the schedule under  
5 section 20.005 (3) of the statutes for the appropriation to the department of health  
6 and family services under section 20.435 (4) (b) of the statutes, as affected by the acts  
7 of 2005, the dollar amount is increased by \$613,100 for fiscal year 2005-06 and the  
8 dollar amount is increased by \$865,900 for fiscal year 2006-07 to increase the  
9 dispensing fee for drugs dispensed under Medical Assistance to \$4.38 per  
10 prescription.

11 (6) BADGERCARE PHARMACY DISPENSING FEE RATE. In the schedule under section  
12 20.005 (3) of the statutes for the appropriation to the department of health and family  
13 services under section 20.435 (4) (bc) of the statutes, as affected by the acts of 2005,  
14 the dollar amount is increased by \$57,800 for fiscal year 2005-06 and the dollar  
15 amount is increased by \$89,200 for fiscal year 2006-07 to increase the dispensing fee  
16 for drugs dispensed under BadgerCare to \$4.38 per prescription.

17 (7) SENIOR CARE PHARMACY DISPENSING FEE RATE. In the schedule under section  
18 20.005 (3) of the statutes for the appropriation to the department of health and family  
19 services under section 20.435 (4) (bv) of the statutes, as affected by the acts of 2005,  
20 the dollar amount is increased by \$648,900 for fiscal year 2005-06 and the dollar  
21 amount is increased by \$925,400 for fiscal year 2006-07 to increase the dispensing  
22 fee for drugs dispensed under Senior Care to \$4.38 per prescription.

23 (8) MEDICAL ASSISTANCE HOSPITAL OUTPATIENT SERVICES. In the schedule under  
24 section 20.005 (3) of the statutes for the appropriation to the department of health  
25 and family services under section 20.435 (4) (b) of the statutes, as affected by the acts

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1 of 2005, the dollar amount is increased by \$2,500,000 for fiscal year 2005-06 and the  
2 dollar amount is increased by \$2,500,000 for fiscal year 2006-07 to increase the  
3 reimbursement rate for Medial Assistance outpatient hospital services.

4 (9) MEDICAL ASSISTANCE CASELOAD INCREASES. In the schedule under section  
5 20.005 (3) of the statutes for the appropriation to the department of health and family  
6 services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2005,  
7 the dollar amount is increased by \$500,000 for fiscal year 2005-06 and the dollar  
8 amount is increased by \$1,000,000 for fiscal year 2006-07 to fund projected Medical  
9 Assistance recipient caseload increases.

10 (10) GENERAL FUND TRANSFER. There is transferred from the general fund to the  
11 Medical Assistance trust fund \$46,409,100 in fiscal year 2005-06 and \$13,800,000  
12 in fiscal year 2006-07.

13 **SECTION 3. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) CIGARETTE TAX. The treatment of section 139.31 (1) (a) and (b) of the statutes  
16 takes effect on December 1, 2005.

17 (END)