State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–3698/3
TJD:wlj&med:jf

# 2011 BILL

AN ACT ***to affect*** 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c), 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7., 2011 Wisconsin Act 32, section 9121 (1g) (a) (intro.), 1. to 3. and 5. and 8., 2011 Wisconsin Act 32, section 9121 (2g), 2011 Wisconsin Act 32, section 9121 (3g), 2011 Wisconsin Act 32, section 9121 (3g) (bm) (title) and 2011 Wisconsin Act 32, section 9121 (5); **relating to:** removing cap on enrollment of Family Care and other long–term care programs.

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

Under current law, Family Care, Family Care Partnership, the Program of All–Inclusive Care for the Elderly (PACE), and the self–directed services option known as IRIS (collectively known as long–term care programs) provide community–based, long–term care services to individuals who meet certain functional and financial criteria and who are either frail elders or adults with physical or developmental disabilities. In a county where a long–term care program is available, the 2011–2013 biennial budget act (2011 Wisconsin Act 32) caps the enrollment in long–term care programs until June 30, 2013, for a resource center service area at the number of individuals enrolled in those programs in that service area on June 30, 2011, with exceptions for certain individuals relocating from an institutional facility. This bill removes the cap on enrollment in long–term care programs.

Family Care currently is not available in all counties. The 2011−2013 biennial budget act prohibits the Department of Health Services (DHS) from contracting with entities to administer Family Care in a county that does not administer Family Care as of July 1, 2011, unless DHS determines that administering Family Care in that county would be more cost−effective than the current long−term care service delivery mechanism. This bill eliminates the prohibition on expansion of Family Care.

The 2011−2013 biennial budget act allocates moneys for DHS to provide services and support items offered through Family Care to individuals who are on a waiting list for a long−term care program and who are in urgent need of long−term care services, as determined by DHS. This bill eliminates that funding allocation.

Currently, as required by the 2011−2013 biennial budget act, DHS must study various aspects of the cost−effectiveness of the long−term care programs. This bill does not alter that requirement.

For further information see the ***state and local*** 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:***

**SECTION 1.** 2011 Wisconsin Act 32, section 9121 (1g) (title), (b) and (c) are repealed.

**SECTION 2.** 2011 Wisconsin Act 32, section 9121 (1g) (a) 4., 6. and 7. are repealed.

**SECTION 3.** 2011 Wisconsin Act 32, section 9121 (1g) (a) (intro.), 1. to 3. and 5. and 8. are renumbered 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 1. to 5., and 2011 Wisconsin Act 32, section 9121 (3g) (am) (intro.) and 4. (intro.), as renumbered, are amended to read:

[2011 Wisconsin Act 32] Section 9121 (3g) (am) *Definitions*. (intro.) In this subsection ~~and subsections (2g) and (3g)~~:

4. (intro.) "Long−term care program" means any of the following that are available in a county ~~on June 30, 2011, or the effective date of this subdivision, whichever is later~~:

**SECTION 4.** 2011 Wisconsin Act 32, section 9121 (2g) is repealed.

**SECTION 5.** 2011 Wisconsin Act 32, section 9121 (3g) is renumbered 2011 Wisconsin Act 32, section 9121 (3g) (bm).

**SECTION 6.** 2011 Wisconsin Act 32, section 9121 (3g) (bm) (title) is created to read:

[2011 Wisconsin Act 32] Section 9121 (3g) (bm) (title) *Study.*

**SECTION 7.** 2011 Wisconsin Act 32, section 9121 (5) is repealed.

**(END)**