



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBa1383/1
MIM:amn&cdc

**ASSEMBLY AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO ASSEMBLY BILL 675**

February 23, 2022 - Offered by Representatives VINING, SPREITZER, RIEMER, ANDERSON, ANDRACA, BALDEH, BROSTOFF, CONLEY, CONSIDINE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HONG, MOORE OMOKUNDE, NEUBAUER, S. RODRIGUEZ, SHANKLAND, SHELTON, SNODGRASS, SINICKI, STUBBS, SUBECK and VRUWINK.

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

2 **1.** Page 1, line 3: delete lines 3 to 5 and substitute:

3 “1m. Page 1, line 1: delete the material beginning with “natural” and ending
4 with “test.” on line 2 and substitute “hazard pay, paid medical leave, and health
5 coverage for frontline health care workers, eligibility expansion under the Medical
6 Assistance program, granting rule-making authority, and making an
7 appropriation.”.

8 2m. Page 1, line 3: delete the material beginning with that line and ending with
9 page 3, line 15, and substitute:

10 “**SECTION 1.** 16.34 of the statutes is created to read:

11 **16.34 Hazard pay during a public health emergency; paid medical**
12 **leave for frontline health care workers. (1) DEFINITION.** In this section,

1 “frontline health care worker” means an individual who is any of the following, who
2 is not exempt under 29 USC 213, and whose annual pay does not exceed \$99,999:

3 (a) A provider of direct care to patients in a hospital, nursing home, or residence
4 or for an ambulance service provider, as defined in s. 256.01 (3).

5 (b) An employee who works in a patient care area of a facility that provides
6 direct patient care.

7 (c) An individual who handles patient specimens within this state within the
8 scope of the individual’s employment.

9 (d) An employee who works in an area where patient specimens are handled
10 at a facility that handles patient specimens within this state.

11 **(2) HAZARD PAY GRANT PROGRAM FOR WORK DURING A PUBLIC HEALTH EMERGENCY.**

12 (a) From the appropriation under s. 20.505 (1) (ft), the department shall award
13 grants to employers for the payment of hazard pay to frontline health care workers
14 who work during a public health emergency declared by the governor under s. 323.10
15 or the secretary of health services under s. 252.02, as set forth in s. 103.025 (3).

16 (b) The department shall establish and administer a program to subsidize, as
17 provided in s. 103.025 (3), the hazard pay costs for frontline health care workers. The
18 department shall require, at a minimum, that the employer provide a sworn affidavit
19 of compliance, and payroll records if requested by the department. The governor or
20 his or her designee within the department may determine the period of applicability
21 of this subsection.

22 **(3) PAID MEDICAL LEAVE GRANT PROGRAM FOR FRONTLINE HEALTH CARE WORKERS.**

23 (a) From the appropriation under s. 20.505 (1) (ft), the department shall award
24 grants to employers for the provision of paid medical leave to frontline health care
25 workers who contract a communicable disease, as set forth in s. 103.10 (4m).

1 (b) The department shall establish and administer a program to subsidize, as
2 provided in s. 103.10 (4m), the paid medical leave costs for frontline health care
3 workers. The department shall require, at a minimum, that the employer provide
4 a sworn affidavit of compliance, and payroll records if requested by the department.
5 The governor or his or her designee within the department may determine the period
6 of applicability of this subsection.

7 (4) COVERAGE OF COVID-19 FOR HEALTH CARE WORKERS. (a) From the
8 appropriation under s. 20.505 (1) (ft), the department shall award grants to insurers
9 for the provision of health insurance coverage to frontline health care workers as set
10 forth in s. 632.895 (14f).

11 (b) The department shall establish and administer a program to subsidize, as
12 provided in s. 632.895 (14f), the costs of providing coverage for frontline health care
13 workers at no additional cost to the covered individuals. The governor or his or her
14 designee within the department may determine the period of applicability of this
15 subsection.

16 **SECTION 2.** 20.435 (4) (bu) of the statutes is created to read:

17 20.435 (4) (bu) *COVID-19 and other communicable disease aids for frontline*
18 *health care workers.* A sum sufficient not to exceed, in fiscal year 2021-22, the
19 difference between \$170,000,000 and the amount after payments have been made
20 under s. 16.34, for testing and treatment of frontline health care workers under s.
21 49.681 and not to exceed, in fiscal year 2022-23 and each fiscal year thereafter, the
22 difference between \$300,000,000 and the amount after payments have been made
23 under s. 16.34, for testing and treatment of frontline health care workers under s.
24 49.681.

25 **SECTION 3.** 20.435 (4) (jw) of the statutes is amended to read:

1 20.435 (4) (jw) *BadgerCare Plus and hospital assessment*. All moneys received
2 from payment of enrollment fees under the program under s. 49.45 (23), all moneys
3 transferred under s. 50.38 (9), all moneys transferred from the appropriation account
4 under par. (jz), and 10 percent of all moneys received from penalty assessments
5 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to
6 provide a portion of the state share of administrative costs for the BadgerCare Plus
7 Medical Assistance program under s. 49.471, and for administration of the hospital
8 assessment under s. 50.38.

9 **SECTION 4.** 20.505 (1) (ft) of the statutes is created to read:

10 20.505 (1) (ft) *Health care coverage and employee benefits relating to COVID-19*
11 *and other communicable diseases*. A sum sufficient not to exceed \$170,000,000 in
12 fiscal year 2021-22 and not to exceed \$300,000,000 in each fiscal year thereafter for
13 payments under s. 16.34 (2), (3), and (4).

14 **SECTION 5.** 49.45 (2p) of the statutes is repealed.

15 **SECTION 6.** 49.45 (23) of the statutes is repealed.

16 **SECTION 7.** 49.45 (23b) (title) of the statutes is amended to read:

17 49.45 (23b) (title) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER
18 IMPLEMENTATION REQUIRED.

19 **SECTION 8.** 49.45 (23b) (b) of the statutes is amended to read:

20 49.45 (23b) (b) Beginning as soon as practicable after October 31, 2018, and
21 ending no sooner than December 31, 2023, the department shall do all of the
22 following with regard to the childless adults demonstration project under sub. (23)
23 s. 49.471 (4) (a) 8.:

24 1. Require in each month persons, except exempt individuals, who are eligible
25 to receive Medical Assistance under sub. (23) s. 49.471 (4) (a) 8. and who are at least

1 19 years of age but have not attained the age of 50 to participate in, document, and
2 report 80 hours per calendar month of community engagement activities. The
3 department, after finding good cause, may grant a temporary exemption from the
4 requirement under this subdivision upon request of a Medical Assistance recipient.

5 2. Require persons with incomes of at least 50 percent of the poverty line to pay
6 premiums in accordance with par. (c) as a condition of eligibility for Medical
7 Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

8 3. Require as a condition of eligibility for Medical Assistance under ~~sub. (23)~~
9 s. 49.471 (4) (a) 8. completion of a health risk assessment.

10 4. Charge recipients of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.
11 an \$8 copayment for nonemergency use of the emergency department in accordance
12 with 42 USC 1396o-1 (e) (1) and 42 CFR 447.54.

13 5. Disenroll from Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8. for 6
14 months any individual who does not pay a required premium under subd. 2. and any
15 individual who is required under subd. 1. to participate in a community engagement
16 activity but who does not participate for 48 aggregate months in the community
17 engagement activity.

18 **SECTION 9.** 49.45 (23b) (c) of the statutes is amended to read:

19 49.45 **(23b)** (c) 1. Persons who are eligible for the demonstration project under
20 ~~sub. (23)~~ s. 49.471 (4) (a) 8. and who have monthly household income that exceeds
21 50 percent of the poverty line shall pay a monthly premium amount of \$8 per
22 household. A person who is eligible to receive an item or service furnished by an
23 Indian health care provider is exempt from the premium requirement under this
24 subdivision.

1 2. The department may disenroll under par. (b) 5. a person for nonpayment of
2 a required monthly premium only at annual eligibility redetermination after
3 providing notice and reasonable opportunity for the person to pay. If a person who
4 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
5 exempt from payment of premiums, he or she may reenroll in Medical Assistance
6 under ~~sub. (23)~~ s. 49.471 (4) (a) 8.

7 3. The department shall reduce the amount of the required household premium
8 by up to half for a recipient of Medical Assistance under ~~sub. (23)~~ s. 49.471 (4) (a) 8.
9 who does not engage in certain behaviors that increase health risks or who attests
10 to actively managing certain unhealthy behaviors.

11 **SECTION 10.** 49.45 (23b) (e) of the statutes is amended to read:

12 49.45 **(23b)** (e) Before December 31, 2023, the ~~demonstration project~~
13 requirements under this subsection may not be withdrawn and the department may
14 not request from the federal government withdrawal, suspension, or termination of
15 the ~~demonstration project~~ requirements under this subsection unless legislation has
16 been enacted specifically allowing for the withdrawal, suspension, or termination.

17 **SECTION 11.** 49.471 (1) (cr) of the statutes is created to read:

18 49.471 **(1)** (cr) “Enhanced federal medical assistance percentage” means a
19 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

20 **SECTION 12.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

21 49.471 **(4)** (a) 4. b. The individual’s family income does not exceed ~~100~~ 133
22 percent of the poverty line ~~before application of the 5 percent income disregard under~~
23 ~~42 CFR 435.603 (d).~~

24 **SECTION 13.** 49.471 (4) (a) 8. of the statutes is created to read:

25 49.471 **(4)** (a) 8. An individual who meets all of the following criteria:

- 1 a. The individual is an adult under the age of 65.
- 2 b. The adult has a family income that does not exceed 133 percent of the poverty
3 line, except as provided in sub. (4g).
- 4 c. The adult is not otherwise eligible for the Medical Assistance program under
5 this subchapter or the Medicare program under 42 USC 1395 et seq.

6 **SECTION 14.** 49.471 (4g) of the statutes is created to read:

7 49.471 **(4g)** MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. For
8 services provided to individuals described under sub. (4) (a) 8., the department shall
9 comply with all federal requirements to qualify for the highest available enhanced
10 federal medical assistance percentage. The department shall submit any
11 amendment to the state medical assistance plan, request for a waiver of federal
12 Medicaid law, or other approval request required by the federal government to
13 provide services to the individuals described under sub. (4) (a) 8. beginning on
14 January 1, 2022, and qualify for the highest available enhanced federal medical
15 assistance percentage. Sections 20.940 and 49.45 (2t) do not apply to a submission
16 to the federal government under this subsection.

17 **SECTION 15.** 49.681 of the statutes is created to read:

18 **49.681 COVID-19 and other communicable disease aids for frontline**
19 **health care workers. (1)** In this section:

20 (a) “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

21 (b) “Frontline health care worker” has the meaning given in s. 16.34 (1).

22 **(2)** From the appropriation under s. 20.435 (4) (bu), subject to sub. (3), the
23 department shall pay, at a rate determined by the department under sub. (4), for
24 testing for and any treatment that is medically necessary and reasonably related to
25 COVID-19 or any other communicable disease or complications from COVID-19 or

1 other communicable disease for frontline health care workers who have been
2 diagnosed with or are a patient under investigation of having COVID-19 or any
3 other communicable disease.

4 (3) No payment may be made under this section unless the recipient has no
5 other form of coverage available from the federal Medicare program, from private
6 health, accident, sickness, medical, and hospital insurance coverage, from any other
7 available state, federal, or other health care coverage program, or under any grant,
8 contract, or other contractual arrangement. If at any time federal or private
9 insurance aid, other health care coverage, or a grant, contract, or other contractual
10 arrangement becomes available during the treatment period, state aid under this
11 section shall be terminated.

12 (4) Payment for services provided under this section shall be at a rate
13 determined by the department that does not exceed the allowable charges under the
14 federal Medicare program. In no case shall state rates for individual service
15 elements exceed the federally defined allowable costs. The rate of charges for
16 services not covered by public and private insurance shall not exceed the reasonable
17 charges as established by Medicare fee determination procedures. A person that
18 provides to a patient a service for which payment is provided under this section shall
19 accept the amount paid under this section for the service as payment in full and may
20 not bill the patient for any amount by which the charge for the service exceeds the
21 amount paid for the service under this section.

22 (5) The department may promulgate rules to establish a process for individuals
23 to establish eligibility and apply for and receive benefits under this section.

24 **SECTION 16.** 49.686 (3) (d) of the statutes is amended to read:

1 49.686 (3) (d) Has applied for coverage under and has been denied eligibility
2 for medical assistance within 12 months prior to application for reimbursement
3 under sub. (2). This paragraph does not apply to an individual who is eligible for
4 benefits under ~~the demonstration project for childless adults under s. 49.45 (23)~~
5 BadgerCare Plus under s. 49.471 (4) (a) 8. or to an individual who is eligible for
6 benefits under BadgerCare Plus under s. 49.471 (11).

7 **SECTION 17.** 103.025 (title) of the statutes is amended to read:

8 **103.025 (title) Hours of labor; compensatory time; hazard pay.**

9 **SECTION 18.** 103.025 (1) (bm) of the statutes is created to read:

10 103.025 (1) (bm) “Frontline health care worker” has the meaning given in s.
11 16.34 (1).

12 **SECTION 19.** 103.025 (3) of the statutes is created to read:

13 103.025 (3) During a public health emergency declared by the governor under
14 s. 323.10 or pursuant to an emergency order issued by the secretary of health services
15 under s. 252.02, an employer shall pay frontline health care workers a hazard pay
16 premium of 1.5 times the employee’s hourly rate, or an additional \$15 per hour,
17 whichever is more. An employer may apply for a grant under s. 16.34 (2) (a) to pay
18 the hazard pay premium.

19 **SECTION 20.** 103.10 (1) (c) of the statutes is amended to read:

20 103.10 (1) (c) Except as provided in ~~sub.~~ subs. (1m) (b) 3. and (4m) (a),
21 “employer” means a person engaging in any activity, enterprise or business in this
22 state employing at least 50 individuals on a permanent basis. “Employer” includes
23 the state and any office, department, independent agency, authority, institution,
24 association, society or other body in state government created or authorized to be
25 created by the constitution or any law, including the legislature and the courts.

1 **SECTION 21.** 103.10 (1) (dm) of the statutes is created to read:

2 103.10 (1) (dm) “Frontline health care worker” has the meaning given in s.
3 16.34 (1).

4 **SECTION 22.** 103.10 (2) (c) of the statutes is amended to read:

5 103.10 (2) (c) ~~This~~ Except as provided in sub. (4m), this section only applies to
6 an employee who has been employed by the same employer for more than 52
7 consecutive weeks and who worked for the employer for at least 1,000 hours during
8 the preceding 52-week period.

9 **SECTION 23.** 103.10 (4m) of the statutes is created to read:

10 103.10 (4m) PAID MEDICAL LEAVE FOR FRONTLINE HEALTH CARE WORKERS. (a) An
11 employer that employs at least one employee shall provide at least 15 days of paid
12 medical leave in addition to any leave provided under sub. (4) (a) to a frontline health
13 care worker who is employed by the employer and who contracts a communicable
14 disease. The employee does not need to meet the length of employment or
15 hours-worked standard set forth in sub. (2) (c).

16 (b) An employer may apply for a grant under s. 16.34 (3) (a).

17 **SECTION 24.** 103.10 (5) (a) of the statutes is amended to read:

18 103.10 (5) (a) ~~This~~ Except as provided in sub. (4m), this section does not entitle
19 an employee to receive wages or salary while taking family leave or medical leave.

20 **SECTION 25.** 103.10 (8) of the statutes is amended to read:

21 103.10 (8) POSITION UPON RETURN FROM LEAVE. (a) Subject to par. (c), when an
22 employee returns from family leave ~~or~~, medical leave, or paid medical leave as a
23 frontline health care worker, his or her employer shall immediately place the
24 employee in an employment position as follows:

1 1. If the employment position which the employee held immediately before the
2 family leave ~~or~~, medical leave, or paid medical leave as a frontline health care worker
3 began is vacant when the employee returns, in that position.

4 2. If the employment position which the employee held immediately before the
5 family leave ~~or~~, medical leave, or paid medical leave as a frontline health care worker
6 began is not vacant when the employee returns, in an equivalent employment
7 position having equivalent compensation, benefits, working shift, hours of
8 employment and other terms and conditions of employment.

9 (b) No employer may, because an employee received family leave ~~or~~, medical
10 leave, or paid medical leave as a frontline health care worker, reduce or deny an
11 employment benefit which accrued to the employee before his or her leave began or,
12 consistent with sub. (9), accrued after his or her leave began.

13 (c) Notwithstanding par. (a), if an employee on a medical ~~or~~ leave, family leave,
14 or paid medical leave as a frontline health care worker wishes to return to work
15 before the end of the leave as scheduled, the employer shall place the employee in an
16 employment position of the type described in par. (a) 1. or 2. within a reasonable time
17 not exceeding the duration of the leave as scheduled.

18 **SECTION 26.** 103.10 (9) (a) and (b) of the statutes are amended to read:

19 103.10 **(9)** (a) Except as provided in par. (b), nothing in this section entitles a
20 returning employee to a right, employment benefit or employment position to which
21 the employee would not have been entitled had he or she not taken family leave ~~or~~,
22 medical leave, or paid medical leave as a frontline health care worker or to the
23 accrual of any seniority or employment benefit during a period of family leave ~~or~~,
24 medical leave, or paid medical leave as a frontline health care worker.

1 (b) Subject to par. (c), during a period an employee takes family leave or,
2 medical leave, or paid medical leave as a frontline health care worker, his or her
3 employer shall maintain group health insurance coverage under the conditions that
4 applied immediately before the ~~family leave or medical~~ leave began. If the employee
5 continues making any contribution required for participation in the group health
6 insurance plan, the employer shall continue making group health insurance
7 premium contributions as if the employee had not taken the ~~family leave or medical~~
8 leave.

9 **SECTION 27.** 103.10 (9) (c) 4. of the statutes is amended to read:

10 103.10 (9) (c) 4. If an employee ends his or her employment with an employer
11 during or within 30 days after a period of family leave or, medical leave, or paid
12 medical leave as a frontline health care worker, the employer may deduct from the
13 amount returned to the employee under subd. 3. any premium or similar expense
14 paid by the employer for the employee's group health insurance coverage while the
15 employee was on ~~family leave or medical~~ the leave.

16 **SECTION 28.** 103.10 (9) (d) of the statutes is amended to read:

17 103.10 (9) (d) If an employee ends his or her employment with an employer
18 during or at the end of a period of family leave or, medical leave, or paid medical leave
19 as a frontline health care worker, the time period for conversion to individual
20 coverage under s. 632.897 (6) shall be calculated as beginning on the day that the
21 employee began the period of ~~family leave or medical~~ leave.

22 **SECTION 29.** 103.10 (12) (d) of the statutes is amended to read:

23 103.10 (12) (d) The department shall issue its decision and order within 30 days
24 after the hearing. If the department finds that an employer violated sub. (11) (a) or
25 (b), it may order the employer to take action to remedy the violation, including

1 providing requested family leave ~~or~~, medical leave, or paid medical leave as a
2 frontline health care worker, reinstating an employee, providing back pay accrued
3 not more than 2 years before the complaint was filed and paying reasonable actual
4 attorney fees to the complainant.

5 **SECTION 30.** 609.887 of the statutes is created to read:

6 **609.887 Coverage of COVID-19 for health care workers.** Defined
7 network plans, preferred provider plans, and limited service health organizations
8 are subject to s. 632.895 (14f).

9 **SECTION 31.** 632.895 (14f) of the statutes is created to read:

10 **632.895 (14f) COVERAGE OF COVID-19 FOR HEALTH CARE WORKERS.** (a) In this
11 subsection:

- 12 1. "COVID-19" means an infection caused by the SARS-CoV-2 coronavirus.
- 13 2. "Frontline health care worker" has the meaning given in s. 16.34 (1).

14 (b) Every disability insurance policy, and every self-insured health plan of the
15 state or of a county, city, town, village, or school district, that generally covers testing
16 and treatment for infectious diseases shall provide coverage of testing and any
17 treatment that is medically necessary and reasonably related to COVID-19 or any
18 other communicable disease or complications of COVID-19 or other communicable
19 disease for frontline health care workers who have been diagnosed with or are a
20 patient under investigation for having COVID-19 or any other communicable
21 disease, without imposing any copayment or coinsurance on the individual covered
22 under the policy or plan. An insurer may apply for a grant from the department of
23 administration for a subsidy for the costs of this coverage, as set forth in s. 16.34 (4)
24 (b).

25 **SECTION 32. Nonstatutory provisions.**

