



2023 SENATE BILL 635

November 7, 2023 - Introduced by Senators MARKLEIN, JAMES, BALLWEG, COWLES, FELZKOWSKI, FEYEN, JAGLER, TESTIN, CABRAL-GUEVARA and NASS, cosponsored by Representatives HURD, BORN, SUMMERFIELD, ARMSTRONG, DALLMAN, DITTRICH, DRAKE, DUCHOW, EDMING, GUNDRUM, KITCHENS, KURTZ, MURPHY, NOVAK, RODRIGUEZ, ROZAR, SCHUTT, STEFFEN, SUBECK, WICHGERS, GOEBEN and JACOBSON. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

AN ACT *to amend* 49.45 (53m) of the statutes; **relating to:** Medical Assistance coverage of services provided in an institution for mental disease.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health Services administers the Medical Assistance (MA) program, which is a joint federal and state program that provides health services to individuals who have limited financial resources. Generally, under the MA program, the state provides its share of the funding for benefits and the federal government then contributes its designated share of funding, also known as federal financial participation.

Under current law, DHS may, but is not required to, cover under the MA program the costs of services provided to MA beneficiaries in an institution for mental disease if federal financial participation is available and certain other requirements are met; under this bill, DHS must cover the costs of those services under the MA program if federal funding participation is available and certain other requirements are met. The bill also requires DHS, by January 1, 2025, to submit a request to the federal Department of Health and Human Services for any waiver or approval necessary to provide MA coverage, with federal funding participation, of short-term stays for acute care in an institution for mental disease.

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

SENATE BILL 635**SECTION 1**

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

SECTION 1. 49.45 (53m) of the statutes is amended to read:

49.45 **(53m)** COVERAGE PROGRAM FOR INSTITUTIONS FOR MENTAL DISEASE.

Subject to any necessary waiver or other approval ~~of~~ from the federal department of health and human services, or as otherwise permitted under federal law, the department ~~may~~ shall, if federal funding participation is available, provide Medical Assistance coverage of services provided in an institution for mental disease to persons ages 21 to 64.

SECTION 2. Nonstatutory provisions.

(1) No later than January 1, 2025, the department of health services shall submit a request to the federal department of health and human services for any waiver or approval necessary to provide Medical Assistance coverage with federal funding participation for Medical Assistance beneficiaries who receive services during short-term stays for acute care in psychiatric hospitals or residential treatment settings that qualify as an institution for mental disease.

(END)