

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-4542/P2 JPC:klm&cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1	AN ACT to amend 49.45 (8) (a) 4. of the statutes; relating to: coverage of home
2	health services and durable medical equipment when services or products are
3	supplied for use outside of the home (suggested as remedial legislation by the
4	Department of Health Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services establishes certain limits on the reimbursement of home health services or products under the Medical Assistance program, including that home health products or services must be provided in the patient's home to be reimbursable. This bill eliminates the requirement that home health services and products be provided in the patient's home to be reimbursable. The Medical Assistance program is a joint state and federal program that provides health services to individuals with limited financial resources.

For further information, see the Notes provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health Services and introduced by the Law

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Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 49.45 (8) (a) 4. of the statutes is amended to read:

49.45 (8) (a) 4. "Patient care visit" means a personal contact with a patient in a patient's home that is made by a registered nurse, licensed practical nurse, nurse aide, physical therapist, occupational therapist, or speech-language pathologist who is on the staff of or under contract or arrangement with a home health agency, or by a registered nurse or licensed practical nurse practicing independently, to provide a service that is covered under s. 49.46, 49.47, or 49.471. "Patient care visit" does not include time spent by a nurse, therapist, or nurse aide on case management, care coordination, travel, record keeping, or supervision that is related to the patient care visit.

Note: The Section eliminates a requirement that home health services must be provided within a patient's home to be reimbursable under the Medical Assistance program. The change makes state law consistent with a federal Center for Medicare and Medicaid Services (CMS) rule clarifying that states may not deny home health services or durable medical equipment/durable medical services when they are supplied for use outside the home.

11 (END)