

## State of Misconsin 2021 - 2022 LEGISLATURE

## **PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT *to amend* 49.43 (6m) of the statutes; **relating to:** definition of institution 2 for mental diseases under the Medical Assistance program (suggested as 3 remedial legislation by the Department of Health Services).

## Analysis by the Legislative Reference Bureau

This bill corrects the cross-reference to the federal definition of "institution for mental diseases" for the purposes of the Medical Assistance program. "Institution for mental diseases" is defined under federal law to mean "a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment or care of persons with mental diseases, including medical attention, nursing care and related services. Whether an institution is an institution for mental diseases is determined by its overall character as that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases, whether or not it is licensed as such. An institution for Individuals with Intellectual Disabilities is not an institution for mental diseases." 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 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 changes to statutes or session laws that the Law Revision Committee determined to be in need of revision.

**SECTION 1.** 49.43 (6m) of the statutes is amended to read:

2 49.43 (6m) "Institution for mental diseases" has the meaning specified in 42

3 CFR 4<u>35.1009</u> <u>435.1010</u>.

NOTE: This SECTION corrects a cross-reference to the federal law definition of "institution for mental diseases."

(END)