



2011 ASSEMBLY BILL 349

October 31, 2011 - Introduced by Representatives ROYS, C. TAYLOR, BERCEAU, ZAMARRIPA, SEIDEL, BERNARD SCHABER, BEWLEY, GRIGSBY, HINTZ, KESSLER, MASON, PASCH, POPE-ROBERTS, RICHARDS, RINGHAND, SINICKI, VRUWINK, HEBL, CLARK, E. COGGS, FIELDS, HULSEY, MILROY, MOLEPSKE JR, POCAN and TOLES, cosponsored by Senators TAYLOR, ERPENBACH, C. LARSON, RISSER and T. CULLEN. Referred to Committee on Insurance.

1 **AN ACT** *to repeal* 49.45 (24s) (b); *to amend* 49.45 (24s) (a); *to repeal and*
2 *recreate* 49.45 (24s) (a) and 49.45 (24s) (c); and *to create* 49.45 (24s) (c) of the
3 statutes; **relating to:** family planning services under the Medical Assistance
4 waiver program.

Analysis by the Legislative Reference Bureau

Before July 1, 2011, the law required the Department of Health Services (DHS) to implement a waiver of federal Medicaid law to provide family planning services, under the Medical Assistance program, to any woman between the ages of 15 and 44 whose family income does not exceed 200 percent of the federal poverty line for a family the size of the woman's family. Before July 1, 2011, the law also authorized DHS to request and then implement a waiver to provide family planning services to men of the same age group and income level. The biennial budget act, 2011 Wisconsin Act 32, eliminated the language regarding those requirements to provide family planning services on July 1, 2011. As of July 1, 2011, current law requires DHS to request a waiver of federal Medicaid law to provide optional services for family planning unless DHS creates a policy that says otherwise. Current law, however, does not specify the gender, age, or income level of those eligible for family planning services under Medical Assistance. DHS is also required under current law to request waivers of federal Medicaid law to require parental notification for family planning services for any female under 18 years of age and to require DHS to determine the income eligibility for a female under 18 years of age using the family income of the female's parent or guardian instead of only the female's income.

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This bill restores the income eligibility criteria for females to receive family planning services under this waiver program to an income level of not exceeding 300 percent of the federal poverty line for a family the size of the female's family. The bill also restores the family planning services waiver program for males whose family income does not exceed 300 percent of the federal poverty line for a family the size of the male's family. DHS is not allowed to create a policy that alters any of the requirements for either the female or male family planning services waiver program under the bill. The bill also eliminates the requirement for DHS to request the additional waivers of federal law relating to parental notification and income eligibility determinations for females under 18 years of age.

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

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

1 **SECTION 1.** 49.45 (24s) (a) of the statutes, as created by 2011 Wisconsin Act 32,
2 is amended to read:

3 49.45 (24s) (a) The department shall request a waiver from the secretary of the
4 federal department of health and human services to permit the department to
5 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
6 medical assistance, ~~unless otherwise provided by the department by a policy created~~
7 ~~under sub. (2m) (c) 10 to any female whose family income does not exceed 300 percent~~
8 ~~of the poverty line for a family the size of the female's family.~~ The department shall
9 implement any waiver granted. The department may not create a policy under sub.
10 (2m) (c) that alters the requirement or eligibility criteria under this paragraph.

11 **SECTION 2.** 49.45 (24s) (a) of the statutes, as affected by 2011 Wisconsin Act 32,
12 section 1441bg, and 2011 Wisconsin Act (this act), is repealed and recreated to
13 read:

14 49.45 (24s) (a) The department shall request a waiver from the secretary of the
15 federal department of health and human services to permit the department to

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1 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
2 medical assistance to any female whose family income does not exceed 300 percent
3 of the poverty line for a family the size of the female's family. The department shall
4 implement any waiver granted.

5 **SECTION 3.** 49.45 (24s) (b) of the statutes, as created by 2011 Wisconsin Act 32,
6 is repealed.

7 **SECTION 4.** 49.45 (24s) (c) of the statutes is created to read:

8 49.45 (24s) (c) The department shall request a waiver from the secretary of the
9 federal department of health and human services to permit the department to
10 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
11 medical assistance to any male whose family income does not exceed 300 percent of
12 the poverty line for a family the size of the male's family. The department shall
13 implement any waiver granted. The department may not create a policy under sub.
14 (2m) (c) that alters the requirement or eligibility criteria under this paragraph.

15 **SECTION 5.** 49.45 (24s) (c) of the statutes, as created by 2011 Wisconsin Act
16 (this act), is repealed and recreated to read:

17 49.45 (24s) (c) The department shall request a waiver from the secretary of the
18 federal department of health and human services to permit the department to
19 provide optional services for family planning, as defined in s. 253.07 (1) (a), under
20 medical assistance to any male whose family income does not exceed 300 percent of
21 the poverty line for a family the size of the male's family. The department shall
22 implement any waiver granted.

23 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
24 except as follows:

