



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2169/1
TJD:amn

2021 ASSEMBLY BILL 493

August 4, 2021 - Introduced by Representatives DITTRICH, CABRAL-GUEVARA, SPIROS, ALLEN, KATZMA, RAMTHUN, NEYLON, CALLAHAN, EDMING, KUGLITSCH, BROOKS, KNODL, GUNDRUM, ROZAR and MOSES, cosponsored by Senators STROEBEL, WANGGAARD, NASS, MARKLEIN and BALLWEG. Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 49.45 (2) (a) 11. a.; and *to create* 49.45 (2) (c) of the statutes;
2 **relating to:** certification of abortion providers under the Medical Assistance
3 program.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Health Services from certifying, and requires DHS to decertify by July 1, 2022, a provider under the Medical Assistance program that is a private entity that performs or induces elective abortions or is an affiliate of a person that performs or induces elective abortions. For purposes of this prohibition, an elective abortion is the use of a substance or device with intent to terminate a pregnancy and with intent other than to increase the probability of a live birth, to preserve the life or health of the infant after live birth, or to remove a dead fetus under circumstances other than when the termination is directly and medically necessary to save the life of or prevent grave, long-lasting physical health damage to the woman or when the pregnancy is the result of sexual assault or incest, which has been reported to law enforcement.

If DHS determines that it needs to request a waiver of federal law or a state plan amendment or obtain other federal approval to implement this prohibition on certification and requirement to decertify, the bill requires DHS to submit the request or seek federal approval. Generally, under current law, DHS establishes criteria for certifying providers to provide services under the Medical Assistance program and certifies those providers. The Medical Assistance program is a joint

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federal and state program administered by DHS that provides health services to individuals who have limited financial resources.

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

1 **SECTION 1.** 49.45 (2) (a) 11. a. of the statutes is amended to read:

2 49.45 (2) (a) 11. a. Establish criteria for certification of providers of medical
3 assistance and, except as provided in ~~par. pars.~~ (b) 6m. and (c) and s. 49.48, and
4 subject to par. (b) 7. and 8., certify providers who meet the criteria.

5 **SECTION 2.** 49.45 (2) (c) of the statutes is created to read:

6 49.45 (2) (c) 1. In this paragraph, “elective abortion” means an abortion, as
7 defined in s. 253.10 (2) (a), that is performed or induced other than in a circumstance
8 described under s. 20.927 (2).

9 2. The department may not certify as a provider under the Medical Assistance
10 program any private entity that performs or induces elective abortions or is an
11 affiliate of an entity that performs or induces elective abortions.

12 **SECTION 3. Nonstatutory provisions.**

13 (1) CERTIFICATION OF ABORTION PROVIDERS UNDER MEDICAL ASSISTANCE.

14 (a) In this subsection, “elective abortion” means an abortion, as defined in s.
15 253.10 (2) (a), that is performed or induced other than in a circumstance described
16 under s. 20.927 (2).

17 (b) By July 1, 2022, the department of health services shall decertify as a
18 provider under the Medical Assistance program any private entity that performs or
19 induces elective abortions or is an affiliate of an entity that performs or induces
20 elective abortions.

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1 (c) If the department of health services determines that it needs to request a
2 waiver of federal law or a state plan amendment or obtain other federal approval to
3 implement par. (b) and s. 49.45 (2) (c), the department of health services shall submit
4 the request or seek to obtain federal approval to implement par. (b) and s. 49.45 (2)
5 (c).

6

(END)