

## **2019 June MC COA Advocacy Committee - Non-budget Legislation Under Consideration**

### **Federal**

#### **H.R. 2901, the Maintain Access to Vital Social Security Services Act of 2019**

Congresswoman Gwen Moore (WI-04) and Senator Tammy Baldwin have introduced H.R. 2901, the Maintain Access to Vital Social Security Services Act of 2019. The bill requires that the Social Security Administration (SSA) operates a sufficient number of fully staffed field offices and implements a binding 180-day public notification and comment period. During this period, the SSA would provide the public and local elected officials an opportunity to understand and challenge the rationale for closures.

#### **Congress Considering OAA Reauthorization**

#### **S286, HR945 Mental Health Access Improvement Act of 2019**

This bill provides for coverage of marriage and family therapist services and mental health counselor services under Medicare. It also excludes such services from the skilled nursing facility prospective payment system, and authorizes marriage and family therapists and mental health counselors to develop discharge plans for post-hospital services.

#### **OMB Request for Comments on Consumer Inflation Measures - Fed Register 2019-09106**

Proposes to use an alternative measure to adjust the federal poverty line, each of which would rise more slowly than the current rate.

#### **DHHS Proposes rule to change scope of Sec. 1557 of the ACA - The Health Care Rights Law**

DHHS 's proposal would remove explicit nondiscrimination protections for people who are LGBT by eliminating sexual orientation and gender identity from other HHS regulations. It would also weaken protections for non-English speaking and certain notice requirements.

### **Wisconsin**

#### **[2019 Assembly BILL 217 Medicare Supplement](#)**

This bill provides that a person who has an individual medicare supplement insurance policy may cancel that policy and purchase a new policy at any time. Under the bill, if a person cancels his or her individual medicare supplement policy, then the provider of that policy must allow the insured to continue coverage until the first day of the second month following the month in which the policy is cancelled. An insurer may not deny coverage under, condition the issuance of, or discriminate in the price of the replacement policy based on the health status, claims experience, receipt of health care, or medical condition of the insured.

#### [2019 Assembly BILL 247 Absentee Voting](#)

This bill provides that if a retirement home that is not a qualified retirement home is located within a municipality as part of a multiple-use facility consisting of one or more qualified retirement homes or residential care facilities to which special voting deputies are dispatched, the management of the retirement home must provide the clerk with the names and addresses of the occupants of the home. The clerk then provides the special voting deputies with the names and addresses of the verified residents who are eligible to cast absentee ballots in person with the deputies. This bill provides that an individual who is required to provide proof of residence to complete his or her voter registration but Under the bill, an eligible elector who, for any reason, is unable to enter the polling place is not required to sign the poll list, but, instead, must sign a document indicating the elector's name and address and the time at which the inspectors issued the ballot. The document, rather than the poll list, is brought outside the polling place along with the ballot. The bill requires an inspector to note on the poll list that the elector voted "curbside." The document also requires that the elector certify that he incapacity to understand the objective of the elective process only if a court specifically determines that the person is incompetent to exercise those rights. Under current law, a person who has been adjudicated incompetent may be denied those rights without a specific finding by the court that the person is incompetent to exercise those rights. This bill prohibits a person from obtaining another person's marked absentee ballot and failing or refusing to deliver it to the proper clerk or polling place. A person who violates this prohibition is guilty of a Class I felony.

#### [2019 Senate BILL 217 Diabetes Care](#)

This bill requires the Department of Health Services, in consultation with the Department of Employee Trust Funds, to develop and implement a plan to reduce the incidence of diabetes in Wisconsin, improve diabetes care, and control complications associated with diabetes. Under the bill, DHS may also consult with the Department of Public Instruction and the Department of Corrections in developing its plan. The bill requires DHS to submit a biennial report to the legislature that includes, among other information, the financial implications of diabetes upon DHS, the state, and localities, an assessment of DHS's activities and programs relating to diabetes, and a proposed budget to implement plans related to diabetes care and prevention.

#### [2019 Senate BILL 241 Voter Registration](#)

This bill requires a registered elector who has changed his or her name or address to complete a new voter registration. The bill allows an individual to also use an unexpired driving receipt or an unexpired ID card receipt as proof of residence for voter registration purposes if the receipt has the individual's current name and address. The bill adds the authority to use a pay stub or pay statement. The bill also specifies that a document provided as proof of residence for purposes of voter registration may be provided in electronic format.

#### [2019 Senate BILL 246 Stating Voting Name](#)

Under the bill, if a voter is unable to state his or her name and address because of a disability, the voter may present his or her identification to the election official who verifies that the identification conforms to current law requirements. The election official, or another person selected by the voter, must then state the voter's name and address.

#### [2019 Senate BILL 254 Health Care POA](#)

Allows, unless a health care power of attorney instrument specifies otherwise, one physician and one qualified physician assistant or nurse practitioner to personally examine principals and make findings of incapacity upon which a health care power of attorney becomes effective. Allows an attending physician assistant or attending advanced practice registered nurse to issue do-not-resuscitate orders. Specifies that under a declaration to physicians, also called a living will, unless specified otherwise, a physician assistant or advanced practice registered nurse may certify that a patient is afflicted with a terminal condition or is in a persistent vegetative state.

#### [2019 Senate BILL 103 CNA Training](#)

Prohibits the Department of Health Services from requiring an instructional program to exceed the federally required minimum total training hours or minimum hours of supervised practical training, which is clinical experience, specified in the federal regulation. The current federal regulation requires no less than 75 hours of training with at least 16 of those hours being supervised practical training.

#### **FamilyCare Waiver Reauthorization Proposal Open for Comment**

Medicaid waivers for the Family Care program to the Centers for Medicare & Medicaid Services (CMS). These waivers give Wisconsin options to provide Medicaid services in home and community-based settings and through managed care. **Comments are due by July 1, 2019.**

Email: [dhsfcwebmail@wisconsin.gov](mailto:dhsfcwebmail@wisconsin.gov); Subject: Family Care 1915(b) Waiver Renewal or Family Care 1915(c) Waiver Renewal

Mail: DHS/DMS, Bureau of Adult Programs and Policy, Attn: Family Care Waiver Renewal; PO Box 309, Madison, WI 53701-0309

The 1915(b) and 1915(c) waiver renewal applications are also available electronically here:

<https://www.dhs.wisconsin.gov/familycare/1915b-family-care-waiver-renewal-application-2020.pdf>;

<https://www.dhs.wisconsin.gov/familycare/1915c-family-care-waiver-renewal-application-2020.pdf>