



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2448/1
TJD:skw

2021 BILL

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 provides abortion services or is an affiliate of a person that provides abortion services. The prohibition does not apply to any hospital that terminates pregnancies under any of the following circumstances: the termination is directly and medically necessary to save the life of the woman; the pregnancy is the result of sexual assault or incest, which has been reported to law enforcement; or the termination is, due to a medical condition existing prior to the abortion, directly and medically necessary to prevent grave, long-lasting physical health damage to the woman.

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

BILL

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.~~ par. (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:

7 a. "Abortion" has the meaning given in s. 253.10 (2) (a).

8 b. "Hospital" has the meaning given in s. 50.33 (2).

9 2. The department may not certify as a provider under the Medical Assistance
10 program any private entity that provides abortion services or is an affiliate of an
11 entity that provides abortion services.

12 3. Subdivision 2. does not apply to any hospital that terminates pregnancies
13 under a circumstance described in s. 20.927 (2).

14 **SECTION 3. Nonstatutory provisions.**

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

16 (a) In this subsection:

17 1. "Abortion" has the meaning given in s. 253.10 (2) (a).

18 2. "Hospital" has the meaning given in s. 50.33 (2).

19 (b)

BILL

1 1. By July 1, 2022, the department of health services shall decertify as a
2 provider under the Medical Assistance program any private entity that provides
3 abortion services or is an affiliate of an entity that provides abortion services.

4 2. Subdivision 1. does not apply to any hospital that terminates pregnancies
5 under a circumstance described in s. 20.927 (2).

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

10 (c).

11 (END)