

State of Wisconsin



2023 Senate Bill 248

Date of enactment: **December 6, 2023**

Date of publication*: **December 7, 2023**

2023 WISCONSIN ACT 68

AN ACT *to amend* 51.40 (2) (a) 2.; and *to create* 51.40 (1) (cm) of the statutes; **relating to:** county of residence for care management organization facility placements.

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

SECTION 1. 51.40 (1) (cm) of the statutes is created to read:

51.40 (1) (cm) "Care management organization" means a managed care organization that is under contract with the department to provide the Family Care benefit under s. 46.286, the Family Care Partnership benefit described under s. 49.496 (1) (bk) 3., or the benefit under the program of all-inclusive care for the elderly under 42 USC 1395eee or 1396u-4.

SECTION 2. 51.40 (2) (a) 2. of the statutes is amended to read:

51.40 (2) (a) 2. 'Placement by a county or care management organization.' Except for the provision of emergency services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) and (12), emergency protective services under s. 55.13, or emergency protective placement under s. 55.135, if a county department ~~or~~ an agency of a

county department, or a care management organization places or makes arrangements for placement of the individual into a facility, the individual is remains a resident of the county ~~of that county department in which the individual resided immediately before the individual's initial placement.~~ Any agency of the county department is deemed to be acting on behalf of the county department in placing or making arrangements for placement. Placement of an individual by a county department ~~or~~ an agency of a county department, or a care management organization in a facility outside the jurisdiction of the county department ~~or~~ agency, or care management organization does not transfer the individual's legal residence to the county in which the facility is located. If a resident of a county is physically present in another county and is in need of immediate care, the county in which the individual is present may provide for his or her immediate needs under s. 51.15, 51.20, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) or (12), or ch. 54 or 55, without becoming the individual's county of residence.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."