



2007 ASSEMBLY BILL 611

December 4, 2007 - Introduced by LAW REVISION COMMITTEE. Referred to
Committee on Aging and Long Term Care.

1 **AN ACT** *to amend* 46.279 (5) of the statutes; **relating to:** creating an exception
2 to the prohibition on protective placement or continued protective placement
3 of an individual in a nursing facility (suggested as remedial legislation by the
4 Department of Health and Family Services).

Analysis by the Legislative Reference Bureau

Under current law, no one may protectively place or continue protective placement of an individual with a developmental disability in an intermediate care facility for the mentally retarded (ICFMR) and no ICFMR may admit or continue service for the individual unless a court finds, after considering a county plan for the individual's care, that protective placement in the ICFMR is the most integrated setting appropriate to the needs of the individual or that the county of residence would not reasonably be able to provide community-based care for the individual. If the Department of Health and Family Services (DHFS) or an entity determines from a screening that an individual requires active treatment for developmental disability, the individual may not be protectively placed or have protective placement continued in a nursing facility unless DHFS or the entity determines that the individual's needs cannot fully be met in an ICFMR or under a county plan, or that the county of residence would not reasonably be able to provide community-based care for the individual. There are two exceptions to these prohibitions: emergency protective placements and temporary protective placements.

This bill creates a third exception to the prohibitions on protective placement or continued protective placement of an individual with developmental disability in

