



2015 SENATE BILL 746

February 17, 2016 – Introduced by Senators DARLING, CARPENTER and HARRIS DODD, cosponsored by Representatives KLEEFISCH, BERCEAU, BRANDTJEN, MURPHY, SCHRAA, SKOWRONSKI and SUBECK. Referred to Committee on Health and Human Services.

1 **AN ACT to create** 46.051 and 49.45 (2) (a) 11. bm. of the statutes; **relating to:**
2 facilities serving persons with traumatic brain injuries.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services to establish a licensure program for facilities for persons with traumatic brain injuries and to certify as a provider for the Medical Assistance program any facility that it licenses under that program. The bill requires DHS to license facilities that meet its criteria including certain criteria specified in the bill. The bill also sets certain resident care, plan review, and reporting requirements on the facilities. DHS is required to certify as a provider for the Medical Assistance program any facility that it licenses.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 46.051 of the statutes is created to read:
4 **46.051 Facilities for persons with traumatic brain injuries. (1)**
5 **DEFINITIONS.** In this section:

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1 (a) "Facility for persons with traumatic brain injuries" means a facility or
2 portion of a facility in which all of the facility's residents have a traumatic brain
3 injury.

4 (b) "Traumatic brain injury" means a severe brain injury with coma, external
5 trauma to the head, encephalitis, encephalopathy, meningitis, anoxia, severe
6 hypoxia, stroke occurring before an individual has attained the age of 22, or brain
7 tumor.

8 **(2) LICENSURE PROGRAM; APPLICATION.** The department shall establish a
9 licensure program for facilities for persons with traumatic brain injuries within 30
10 days after the effective date of this subsection ... [LRB inserts date]. The department
11 shall create an application process for facilities for persons with traumatic brain
12 injuries to be licensed under this section. The department may require an applicant
13 to submit an application fee. The department shall determine whether an applicant
14 is eligible for licensure under sub. (3) within 30 days of the date the department
15 receives the application.

16 **(3) LICENSE ELIGIBILITY.** The department shall license facilities for persons with
17 traumatic brain injuries that meet its criteria, including all of the following:

18 (a) The facility has a capacity of 4 to 16 individuals who need and receive active
19 treatment and health services.

20 (b) The facility meets administrative and billing requirements to be certified
21 as a provider for Medical Assistance under s. 49.45 (2) (a) 11. a.

22 (c) The facility serves individuals who are require rehabilitation services to be
23 able to return safely to the community.

24 (d) The facility provides nursing and medication administration at all hours of
25 the day.

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1 (e) Programming for residents of the facility includes activities to promote
2 community reintegration and training on daily living skills.

3 (f) Services are available at the facility to provide at least 2 hours of therapy
4 to each resident on 5 days of a week.

5 (g) Behavioral health services are available at the facility.

6 **(4) RESIDENT CARE.** Within 14 days of the date of admission of a resident to a
7 facility for persons with traumatic brain injuries, an interdisciplinary team
8 developed by the facility with the participation of the staff of the facility who are
9 providing resident care and therapy shall develop a plan of care and an individual
10 program plan based on the resident and an assessment of the resident's
11 rehabilitational needs, including any physician's evaluations or orders.

12 **(5) PLAN REVIEWS.** Before the start of any construction or remodeling project
13 for a facility for persons with traumatic brain injuries, the owners or operators of the
14 facility or proposed facility shall submit the plans for construction or remodeling to
15 the department. The department may charge a fee to the owner or operator for plan
16 review.

17 **(6) REPORT.** Annually, on a schedule determined by the department, a facility
18 for persons with traumatic brain injuries with a license under this section shall
19 submit a report to the department containing the information required by the
20 department.

21 **(7) APPLICABILITY.** The department may not consider a facility for persons with
22 traumatic brain injuries a facility that primarily serves people with developmental
23 disabilities.

24 **SECTION 2.** 49.45 (2) (a) 11. bm. of the statutes is created to read:

