

2001 DRAFTING REQUEST

Bill

Received: 09/08/2000

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 266-2288

By/Representing: Fossum

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact: DHFS

Alt. Drafters:

Subject: Health - long-term care

Extra Copies: ISR

Pre Topic:

DOA:.....Fossum -

Topic:

Family care facility referrals

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 09/18/2000	hhagen 09/19/2000	martykr 09/20/2000	_____	lrb_docadmin 09/20/2000		S&L

FE Sent For:

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1/?	kenneda	11 hmk 9/18/00 11 jld 9/18	k/m/20	Jed 9/20 kim 20			

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<END>

DHFS

Department of Health and Family Services
1999-2001 Biennial Budget Statutory Language Request
July 17, 2000

Title: Family Care – Corrections related to facility referrals

Current Language

50.033 (2s) REQUIRED REFERRAL. Subject to sub. (2t), an adult family home shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least 65 years of age or has a physical disability and whose disability or condition is expected to last at least 90 days, unless any of the following applies:

50.034 (5n) REQUIRED REFERRAL. Subject to sub. (5p), a residential care apartment complex shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least 65 years of age or has a physical disability and whose disability or condition is expected to last at least 90 days, unless any of the following applies:

50.035 (4n) REQUIRED REFERRAL. Subject to sub. (4p), a community-based residential facility shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least 65 years of age or has a physical disability and whose disability or condition is expected to last at least 90 days, unless any of the following applies:

Proposed Change

50.033 (2s) of the statutes is amended to read:

50.033 (2s) REQUIRED REFERRAL. Subject to sub. (2t), an adult family home shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least 65 years of age or has a physical or a developmental disability and whose disability or condition is expected to last at least 90 days, unless any of the following applies:

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Effect of the Change

To correct an oversight in the facility referral requirements for Family Care.

Rationale for the Change

As enacted, these requirements for referral to the Aging and Disability Resource Center by certain facilities do not include people with developmental disabilities. Similar requirements for hospitals and nursing homes do include this group. It was an error not to include them also in the above provisions. Without the correction, the department cannot require adult family homes, RCACs and CBRFs to refer prospective residents with developmental disabilities to the Resource Center.

Desired Effective Date: Upon enactment
Agency: DHFS
Agency Contact: Charlie Jones
Phone: 266-0991

K:\OSFDO\CHUCK\I-LTCARE\LORRAINE\11-99-referral amds.doc



SOON - In edit 9/18
State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0197/1

DAK...
hmk
+
jld

DOA:.....Fossum - Family care facility referrals

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen.

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

✓ (CS) → Long-Term CARE; FAMILY CARE

Under family care, a program of financial assistance in providing long-term care and support items, DHFS may contract with various entities to operate family care resource centers, which provide, among other things, determinations of family care eligibility and information and referral services. If the secretary of health and family services certifies that a family care resource center is available in a county, adult family homes, residential care apartment complexes, community-based residential facilities (C-BRFs), hospitals, and nursing homes in the county must, unless certain exceptions apply, refer persons who are ~~aged~~ ^{years of age} at least 65 or have physical disabilities that are expected to last at least 90 days to the resource center for services and determinations of family care and other program eligibility. In addition, nursing homes and hospitals must so refer persons with developmental disability.

✓ This bill clarifies that adult family homes, residential care apartment complexes, and C-BRFs must refer persons with developmental disability to family care resource centers for services and determinations of family care and other program eligibility.

For further information see the *state and local* 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:

1 **SECTION 1.** 50.033 (2s) (intro.) of the statutes is amended to read:

2 50.033 (2s) REQUIRED REFERRAL. (intro.) Subject to sub. (2t), an adult family
3 home shall, within the time period prescribed by the department by rule, refer to a
4 resource center under s. 46.283 a person who is seeking admission, who is at least
5 65 years of age or has a developmental disability or physical disability and whose
6 disability or condition is expected to last at least 90 days, unless any of the following
7 applies:

STET

8 History: 1993 a. 327; 1995 a. 27; 1997 a. 27; 1999 a. 9.

8 **SECTION 2.** 50.034 (5n) (intro.) of the statutes is amended to read:

9 50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), a residential care
10 apartment complex shall, within the time period prescribed by the department by
11 rule, refer to a resource center under s. 46.283 a person who is seeking admission,
12 who is at least 65 years of age or has a developmental disability or physical disability
13 and whose disability or condition is expected to last at least 90 days, unless any of
14 the following applies:

15 History: 1995 a. 27; 1997 a. 13, 252; 1999 a. 9, 185.

15 **SECTION 3.** 50.035 (4n) (intro.) of the statutes is amended to read:

16 50.035 (4n) REQUIRED REFERRAL. (intro.) Subject to sub. (4p), a
17 community-based residential facility shall, within the time period prescribed by the
18 department by rule, refer to a resource center under s. 46.283 a person who is seeking
19 admission, who is at least 65 years of age or has a developmental disability or

1 physical disability and whose disability or condition is expected to last at least 90
2 days, unless any of the following applies:

3 **History:** 1983 a. 363; 1985 a. 176; 1987 a. 403 ss. 67, 256; 1989 a. 336; 1991 a. 39; 1995 a. 27 ss. 3235 to 3237, 9116 (5); 1997 a. 27, 114, 237; 1999 a. 9, 32, 103, 186.

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0197/1
DAK:hmh&jld:km

DOA:.....Fossum - Family care facility referrals

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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3 (END)