

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/21/2006**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Milioto, BB0024 -

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**Topic:**

CBRF posting of notice of long-term care ombudsman program

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**Instructions:**

See Attached

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**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	rryan 10/11/2006 rryan 11/29/2006	jdyer 10/12/2006 jdyer 11/29/2006	rschluet 10/12/2006	_____	sbasford 10/12/2006		
/2			rschluet 11/29/2006	_____	cduerst 11/29/2006		

FE Sent For:

<END>

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FE Sent For:

12/11/06 jld  
11296 <END>

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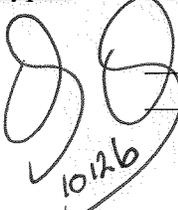
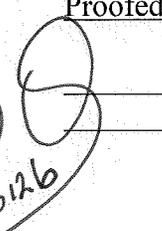
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/?	rryan	1 10/12 jld					

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: CBRF Posting of Notice
- Tracking Code: BB0024
- SBO team: Health
- SBO analyst: Steve Milioto
  - Phone: 266-8593
  - Email: Steve.Milioto@Wisconsin.gov
- Agency acronym: Board on Aging and Long-Term Care
- Agency number: 432

Medium Priority

**PROPOSED STATUTORY LANGUAGE CHANGES**

Current language appearing at § 50.035(6) requires all community-based residential facilities (CBRF) to post a notice identifying the Long Term Care Ombudsman Program of the Board on Aging and Long Term Care as a resource for advocacy that is available to residents of the facility.

This requirement has caused significant confusion when it is placed in CBRFs that are established to serve AODA clients, pregnant women, and correctional clients, the majority of whom are under the age of 60. By law, this agency is restricted to providing advocacy services only to persons over 60. Requiring placement of a poster suggesting the availability of advocacy services that are not, in fact, available causes distress to the resident and creates an unnecessary increase in workload for the BOALTC intake staff.

BOALTC proposes to change the language of § 50.035(6) to read:

(6) POSTING OF NOTICE REQUIRED. The licensee of a community-based residential facility *established to serve a primary client group of persons over 60 years of age*, or his or her designee, shall post in a conspicuous location in the community-based residential facility a notice, provided by the board on aging and long-term care, of the name, address and telephone number of the long-term care ombudsman program under s. 16.009 (2) (b).



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0334/2

RLR: .....

jld

In 10/11/06

DOA:.....Milioto, bb0024 - long-term care ombudsman program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

CBRF posting of notice of

← already fixed on request sheet

LPS.  
Fix request sheet please

RMK

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, the Board on Aging and Long-Term Care operates a long-term care ombudsman program. Every community-based residential facility (CBRF) must post notice of the long-term care ombudsman program. This bill provides that only those CBRFs that are licensed to provide care to persons with functional impairments that commonly accompany advanced age must post notice of the long-term care ombudsman program.

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

2 SECTION 1. 50.035<sup>x</sup> (6) of the statutes is amended to read:

3 50.035 (6) POSTING OF NOTICE REQUIRED. The licensee of a community-based  
4 residential facility that is licensed to serve persons with functional impairments that  
5 commonly accompany advanced age, or his or her designee, shall post in a

1 conspicuous location in the community-based residential facility a notice, provided  
2 by the board on aging and long-term care, of the name, address and telephone  
3 number of the long-term care ombudsman program under s. 16.009 (2) (b).

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; 2001 a. 16; 2003 a. 33.

4

(END)

*d-note*  
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DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0334/dn

RLR:.....

JLD

Steve Milioto:

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\*  
\*  
This draft specifies that only those CBRFs that are licensed to serve the aged must post notice of the long-term care ombudsman program. Do you also want to make changes to s. 16.009 to clarify in the statutes who is eligible to receive assistance under the long-term care ombudsman program? For example, the definition of "client" or "resident" under s. 16.009 (1) (ar) and (j) respectively could be narrowed to cover only persons who are 60 years of age or older. The drafting request explains that BOALTC is restricted to providing advocacy services only to persons over 60. However, some of the duties assigned to BOALTC under s. 16.009 (2) provide for BOALTC to serve clients who are disabled. Does BOALTC serve people who are disabled but under age 60?

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0334/1dn  
RLR:jld:rs

October 12, 2006

Steve Milioto:

This draft specifies that only those CBRFs that are licensed to serve the aged must post notice of the long-term care ombudsman program. Do you also want to make changes to s. 16.009 to clarify in the statutes who is eligible to receive assistance under the long-term care ombudsman program? For example, the definition of "client" or "resident" under s. 16.009 (1) (ar) or (j) respectively could be narrowed to cover only persons who are 60 years of age or older. The drafting request explains that BOALTC is restricted to providing advocacy services only to persons over age 60. However, some of the duties assigned to BOALTC under s. 16.009 (2) provide for BOALTC to serve clients who are disabled. Does BOALTC serve people who are disabled but under age 60?

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In 11/29/06

DOA:.....Milioto, BB0024 - CBRF posting of notice of long-term care ombudsman program

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMNR

D-Note

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

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5

(END)

d-note  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

date

LRB - 0334/2dn  
RLR:.....  
JLD

Steve Milioto:

I redrafted this bill to be more specific in describing the CBRF's affected.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0334/2dn  
RLR:jld:rs

November 29, 2006

Steve Milioto:

I redrafted this bill to be more specific in describing the CBRF's affected.

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: [robin.ryan@legis.wisconsin.gov](mailto:robin.ryan@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0334/2

RLR:jld:rs

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**(END)**