



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 219**

May 1, 1997 - Offered by Representative UNDERHEIM.

1 **AN ACT to amend** 46.27 (11) (c) 7., 46.277 (5) (e), 49.45 (2) (a) 23., 50.01 (1d),
2 50.034 (1) (a) and (b), 50.034 (2) (intro.) and (b) to (e), 50.034 (3) (intro.), (a)
3 (intro.), 3., (b) and (d), 50.034 (4) to (7) and 150.31 (5r); and **to repeal and**
4 **recreate** 50.01 (1g) (f) and (3) (e) and 50.034 (title) of the statutes; **relating to:**
5 changing the term “assisted living facility” to “residential care apartment
6 complex” and defining the term “stove” for the purposes of residential care
7 apartment complexes.

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

8 **SECTION 1.** 46.27 (11) (c) 7. of the statutes is amended to read:
9 46.27 (**11**) (c) 7. A county may use funds received under this subsection to
10 provide supportive, personal or nursing services, as defined in rules promulgated
11 under s. 49.45 (2) (a) 23., to a person who resides in a certified ~~assisted living facility~~
12 residential care apartment complex, as defined in s. 50.01 (1d). Funding of the

1 services may not exceed 85% of the statewide medical assistance daily cost of nursing
2 home care, as determined by the department.

3 **SECTION 2.** 46.277 (5) (e) of the statutes is amended to read:

4 46.277 **(5)** (e) A county may use funds received under this subsection to provide
5 supportive, personal or nursing services, as defined in rules promulgated under s.
6 49.45 (2) (a) 23., to a person who resides in a certified ~~assisted living facility~~
7 residential care apartment complex, as defined in s. 50.01 (1d). Funding of the
8 services may not exceed 85% of the statewide medical assistance daily cost of nursing
9 home care, as determined by the department.

10 **SECTION 3.** 49.45 (2) (a) 23. of the statutes is amended to read:

11 49.45 **(2)** (a) 23. Promulgate rules that define “supportive services”, “personal
12 services” and “nursing services” provided in a certified ~~assisted living facility~~
13 residential care apartment complex, as defined under s. 50.01 (1d), for purposes of
14 reimbursement under ss. 46.27 (11) (c) 7. and 46.277 (5) (e).

15 **SECTION 4.** 50.01 (1d) of the statutes is amended to read:

16 50.01 **(1d)** “~~Assisted living facility~~ “Residential care apartment complex”
17 means a place where 5 or more adults reside that consists of independent
18 apartments, each of which has an individual lockable entrance and exit, a kitchen,
19 including a stove, and individual bathroom, sleeping and living areas, and that
20 provides, to a person who resides in the place, not more than 28 hours per week of
21 services that are supportive, personal and nursing services. “~~Assisted living facility~~
22 “Residential care apartment complex” does not include a nursing home or a
23 community-based residential facility, but may be physically part of a structure that
24 is a nursing home or community-based residential facility. In this subsection,

1 “stove” means a cooking appliance that is a microwave oven of at least 1,000 watts
2 or that consists of burners and an oven.

3 **SECTION 5.** 50.01 (1g) (f) and (3) (e) of the statutes are repealed and recreated
4 to read:

5 50.01 **(1g)** (f) A residential care apartment complex.

6 **(3)** (e) A residential care apartment complex.

7 **SECTION 6.** 50.034 (title) of the statutes is repealed and recreated to read:

8 **50.034** (title) **Residential care apartment complexes.**

9 **SECTION 7.** 50.034 (1) (a) and (b) of the statutes are amended to read:

10 50.034 **(1)** (a) No person may operate ~~an assisted living facility~~ a residential
11 care apartment complex that provides living space for residents who are clients
12 under s. 46.27 (11) or 46.277 and publicly funded services as a home health agency
13 or under contract with a county department under s. 46.215, 46.22, 46.23, 51.42 or
14 51.437 that is a home health agency unless the ~~assisted living facility~~ residential care
15 apartment complex is certified by the department under this section. The
16 department may charge a fee, in an amount determined by the department, for
17 certification under this paragraph. The amount of any fee charged by the
18 department for certification of ~~an assisted living facility~~ a residential care apartment
19 complex need not be promulgated as a rule under ch. 227.

20 (b) No person may operate ~~an assisted living facility~~ a residential care
21 apartment complex that is not certified as required under par. (a) unless the ~~assisted~~
22 ~~living facility~~ residential care apartment complex is registered by the department.

23 **SECTION 8.** 50.034 (2) (intro.) and (b) to (e) of the statutes are amended to read:

24 50.034 **(2)** **RULES.** (intro.) The department shall promulgate all of the following
25 rules for the regulation of certified ~~assisted living facilities~~ residential care

1 apartment complexes and for the registration of ~~assisted living facilities~~ residential
2 care apartment complexes under this section:

3 (b) Establishing standards for operation of certified ~~assisted living facilities~~
4 residential care apartment complexes.

5 (c) Establishing minimum information requirements for registration and
6 registration application procedures and forms for ~~assisted living facilities~~ residential
7 care apartment complexes that are not certified.

8 (d) Establishing procedures for monitoring certified ~~assisted living facilities~~
9 residential care apartment complexes.

10 (e) Establishing intermediate sanctions and penalties for and standards and
11 procedures for imposing intermediate sanctions or penalties on certified ~~assisted~~
12 ~~living facilities~~ residential care apartment complexes and for appeals of
13 intermediate sanctions or penalties.

14 **SECTION 9.** 50.034 (3) (intro.), (a) (intro.), 3., (b) and (d) of the statutes are
15 amended to read:

16 50.034 (3) REQUIREMENTS FOR OPERATION. (intro.) A certified or registered
17 ~~assisted living facility~~ residential care apartment complex shall do all of the
18 following:

19 (a) (intro.) Establish, with each resident of the ~~assisted living facility~~
20 residential care apartment complex, a mutually agreed-upon written service
21 agreement that identifies the services to be provided to the resident, based on a
22 comprehensive assessment of the resident's needs and preferences that is conducted
23 by one of the following:

24 3. For residents who have private or 3rd-party funding, by the ~~assisted living~~
25 ~~facility~~ residential care apartment complex.

1 (b) Establish a schedule of fees for services to residents of the assisted living
2 facility residential care apartment complex.

3 (d) Establish, with each resident of the assisted living facility residential care
4 apartment complex, a signed, negotiated risk agreement that identifies situations
5 that could put the resident at risk and for which the resident understands and
6 accepts responsibility.

7 **SECTION 10.** 50.034 (4) to (7) of the statutes are amended to read:

8 50.034 (4) LIMITATION. A nursing home or a community-based residential
9 facility may not convert a separate area of its total area to an assisted living facility
10 a residential care apartment complex unless the department first approves the
11 conversion. A nursing home, other than the nursing home operated at the Wisconsin
12 Veterans Home at King, that intends to convert a separate area of its total area to
13 ~~an assisted living facility~~ a residential care apartment complex shall also agree to
14 reduce its licensed nursing home beds by the corresponding number of assisted living
15 facility residential care apartment complex residential units proposed for the
16 conversion.

17 (5) USE OF NAME PROHIBITED. An entity that does not meet the definition under
18 s. 50.01 (1d) may not designate itself as an “assisted living facility” a “residential care
19 apartment complex” or use the word “assisted living facility” words “residential care
20 apartment complex” to represent or tend to represent the entity as ~~an assisted living~~
21 ~~facility~~ a residential care apartment complex or services provided by the entity as
22 services provided by ~~an assisted living facility~~ a residential care apartment complex.

23 (6) FUNDING. Funding for supportive, personal or nursing services that a
24 person who resides in ~~an assisted living facility~~ a residential care apartment complex
25 receives, other than private or 3rd-party funding, may be provided only under s.

1 46.27 (11) (c) 7. or 46.277 (5) (e), unless the provider of the services is a certified
2 medical assistance provider under s. 49.45.

3 (7) REVOCATION OF CERTIFICATION. Certification for ~~an assisted living facility a~~
4 residential care apartment complex may be revoked because of the substantial and
5 intentional violation of this section or of rules promulgated by the department under
6 sub. (2) or because of failure to meet the minimum requirements for certification.
7 The operator of the certified ~~assisted living facility~~ residential care apartment
8 complex shall be given written notice of any revocation of certification and the
9 grounds for the revocation. Any ~~assisted living facility~~ residential care apartment
10 complex certification applicant or operator of a certified ~~assisted living facility~~
11 residential care apartment complex may, if aggrieved by the failure to issue or renew
12 the certification or by revocation of certification, appeal under the procedures
13 specified by the department by rule under sub. (2).

14 SECTION 11. 150.31 (5r) of the statutes is amended to read:

15 150.31 (5r) The department shall decrease the statewide bed limit specified in
16 sub. (1) by the number of any beds that a nursing home shall agree to reduce in order
17 to convert a separate area of its total area to ~~an assisted living facility a residential~~
18 care apartment complex under s. 50.034 (4) (b).

19 (END)