



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0164/1
SWB:skw

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 162**

November 7, 2023 - Offered by Representative GOEBEN.

1 **AN ACT to create** 46.284 (4) (km) and 46.2855 of the statutes; **relating to:**
2 provider and care management organization notification of certain decisions to
3 move a resident of a nursing home or community-based residential facility.

Analysis by the Legislative Reference Bureau

This bill requires that if a nursing home or community-based residential facility (CBRF) that has residents who are recipients of the family care benefit intends to terminate its contract with a care management organization (CMO) due to a decision to change its type or level of services or the means of reimbursement it accepts, the nursing home or CBRF must provide at least 90 days' written notice before relocation to each resident who must be relocated, as well as to the resident's guardian, if any, and to a family member of the resident, if practicable, unless the resident requests that notice to the family be withheld.

The bill also requires that when a CMO decides to move a resident due to a decision by a nursing home or CBRF to change its type or level of services or the means of reimbursement accepted, the CMO must provide at least 90 days' written notice of the decision to move the resident to the resident to be relocated, the resident's guardian, if any, and to a member of the resident's family, if practicable, unless the resident requests that notice to the family be withheld. The bill provides,

however, that this requirement does not apply if a CMO seeks to move a resident for reasons related to facility closure, fraud, or resident health or safety.

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

1 **SECTION 1.** 46.284 (4) (km) of the statutes is created to read:

2 46.284 (4) (km) When a decision is made to move a resident due to a decision
3 by a nursing home or community-based residential facility to change its type or level
4 of services or means of reimbursement accepted, provide at least 90 days' written
5 notice of the decision to move the resident to the provider, to the resident who is to
6 be relocated, to the resident's guardian, if any, and to a member of the resident's
7 family, if practicable, unless the resident requests that notice to the family be
8 withheld. This paragraph does not apply if a care management organization seeks
9 to move a resident for reasons related to facility closure, fraud, or resident health or
10 safety.

11 **SECTION 2.** 46.2855 of the statutes is created to read:

12 **46.2855 Provider notice of contract termination.** If a nursing home or
13 community-based residential facility, as defined in s. 50.01 (1g), that has one or more
14 residents who are recipients of the family care benefit intends to terminate its
15 contract with a care management organization due to a decision to change its type
16 or level of services or means of reimbursement accepted, that nursing home or
17 community-based residential facility shall provide at least 90 days' written notice
18 prior to relocation to each resident who is to be relocated because of the contract
19 termination, to the resident's guardian, if any, and to a family member of the

1 resident, if practicable, unless the resident requests that notice to the family be
2 withheld.

3 (END)