



## 1997 ASSEMBLY BILL 780

February 11, 1998 – Introduced by Representatives KRUSICK, UNDERHEIM, BALDWIN, BLACK, BOCK, BOYLE, CARPENTER, COGGS, CULLEN, HANSON, HASENOHRL, HEBL, KUNICKI, LA FAVE, MORRIS-TATUM, MURAT, NOTESTEIN, OLSEN, PLALE, PLOUFF, PORTER, R. POTTER, POWERS, RILEY, ROBSON, RYBA, SKINDRUD, SPRINGER, STASKUNAS, TURNER, URBAN, WALKER, WASSERMAN, L. YOUNG and R. YOUNG, cosponsored by Senators BURKE, GROBSCHMIDT and ROSENZWEIG, by request of American Association of Retired Persons (AARP), Alzheimer’s Association, Board on Aging and Long Term Care, Citizen Advocates for Nursing Home Residents, Coalition of Wisconsin Aging Groups, Service Employees Local 150, Wisconsin Coalition for Advocacy, Wisconsin Coalition of Visiting Nurse Associations, Wisconsin Council of Senior Citizens, Service Employees International and Union Wisconsin State Council. Referred to Committee on Health.

1     **AN ACT to repeal** 50.096 (2) (a); **to renumber and amend** 50.04 (2v); **to amend**  
2           50.096 (2) (intro.), 50.096 (2) (b), 50.096 (2) (c) and 50.096 (3); and **to create**  
3           50.01 (1s), 50.01 (1w), 50.01 (5r), 50.02 (2) (bm), 50.02 (2) (bn), 50.04 (2) (d),  
4           50.04 (2v) (b), 50.096 (2) (am) and 50.096 (2m) of the statutes; **relating to:**  
5           minimum daily hours of service in nursing homes for certain nursing home  
6           residents, requirements for nursing home reports, increasing positions for the  
7           board on aging and long-term care, granting rule-making authority and  
8           making an appropriation.

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### *Analysis by the Legislative Reference Bureau*

Currently, rules promulgated by the department of health and family services (DHFS) set minimum daily hours of service that must be provided to nursing home residents, by type of service provided. In addition, currently DHFS must annually provide each nursing home with a report that details all of the following:

1. The daily direct care nursing home staffing ratio at each skill level and the percentage, if any, by which the ratio is above the DHFS staffing requirements for the previous year.

2. The staff replacement rates for full-time and part-time nursing staff, nurse’s assistants and administrators for the previous year.

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3. The nursing home's violations during the previous year.

Nursing homes must comply with requests by DHFS for information that is contained in the report and must make the report available to any person who requests it.

This bill establishes minimum daily hours of service that registered nurses, licensed practical nurses and nurse's assistants must provide to certain nursing home residents and increases the hours currently required under DHFS' rules. The hours of service required vary with respect to the residents' needs for intensive skilled nursing care, skilled nursing care or limited nursing care. The bill authorizes DHFS to increase, by rule, these minimum daily hours of service. The bill defines several terms used for these requirements and requires that DHFS define other terms by rule.

The bill expands requirements for information in the annual nursing home report to include the average number of nursing staff per 10 nursing home residents for the previous year. This requirement and those in current law relating to violations and staff replacement rates must be specified for the nursing home and for all similar nursing homes in the same geographical area, as determined by DHFS. The bill requires that the report have as its first page a simplified summary of the required information, including a graphical picture of the nursing home's position compared to that of all similar nursing homes in the same geographical area. Further, the bill requires that the report be posted by July 1, 1998, in a conspicuous location in the nursing home. Also, the bill requires that the report be provided to every nursing home resident and his or her guardian, if any, to every prospective nursing home resident and his or her companion or representative, if any, and, by July 1, 1998, to the office of the long-term care ombudsman. Lastly, the bill provides for 3 additional positions, beginning on January 1, 1999, for the board on aging and long-term care, to perform work related to duties of the long-term care ombudsman.

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

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

1           **SECTION 1.** 50.01 (1s) of the statutes is created to read:  
2           50.01 (1s) "Intensive skilled nursing care" means care requiring specialized  
3 nursing assessment skills and the performance of specific services and procedures  
4 that are complex because of the resident's condition or the type or number that are  
5 necessary, including any of the following:

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1 (a) Direct patient observation or monitoring or performance of complex nursing  
2 procedures by registered nurses or licensed practical nurses on a continuing basis.

3 (b) Repeated application of complex nursing procedures or services every 24  
4 hours.

5 (c) Frequent monitoring and documentation of the resident's condition and  
6 response to therapeutic measures.

7 **SECTION 2.** 50.01 (1w) of the statutes is created to read:

8 50.01 (1w) "Licensed practical nurse" means a nurse who is licensed or has a  
9 temporary permit under s. 441.10.

10 **SECTION 3.** 50.01 (5r) of the statutes is created to read:

11 50.01 (5r) "Registered nurse" means a nurse who is licensed under s. 441.06  
12 or permitted under s. 441.08.

13 **SECTION 4.** 50.02 (2) (bm) of the statutes is created to read:

14 50.02 (2) (bm) The department shall, by rule, define "intermediate nursing  
15 care", "limited nursing care" and "skilled nursing services" for use in regulating  
16 minimum hours of service provided to residents of nursing homes.

17 **SECTION 5.** 50.02 (2) (bn) of the statutes is created to read:

18 50.02 (2) (bn) The department may, by rule, increase the minimum hours of  
19 nursing home care per day that are specified in s. 50.04 (2) (d) 1. to 3.

20 **SECTION 6.** 50.04 (2) (d) of the statutes is created to read:

21 50.04 (2) (d) Each nursing home shall provide at least the following hours of  
22 service by registered nurses, licensed practical nurses or nurse's assistants:

23 1. For each resident in need of intensive skilled nursing care, 3.25 hours per  
24 day, of which a minimum of 0.65 hour shall be provided by a registered nurse or

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1 licensed practical nurse and a minimum of 2.6 hours shall be provided by a nurse's  
2 assistant.

3 2. For each resident in need of skilled nursing care, 2.5 hours per day, of which  
4 a minimum of 0.5 hour shall be provided by a registered nurse or licensed practical  
5 nurse and a minimum of 2 hours shall be provided by a nurse's assistant.

6 3. For each resident in need of limited nursing care, 1.25 hours per day, of which  
7 a minimum of 0.25 hour shall be provided by a registered nurse or licensed practical  
8 nurse and a minimum of one hour shall be provided by a nurse's assistant.

9 **SECTION 7.** 50.04 (2v) of the statutes is renumbered 50.04 (2v) (intro.) and  
10 amended to read:

11 50.04 (2v) POSTING OF NOTICE REQUIRED. (intro.) Beginning on ~~January 1, 1992~~  
12 July 1, 1998, a nursing home shall post in a conspicuous location in the nursing home  
13 a all of the following:

14 (a) A notice, provided by the board on aging and long-term care, of the name,  
15 address and telephone number of the long-term care ombudsman program under s.  
16 16.009 (2) (b).

17 **SECTION 8.** 50.04 (2v) (b) of the statutes is created to read:

18 50.04 (2v) (b) The most recent copy of the report for the nursing home that is  
19 specified under s. 50.096 (2).

20 **SECTION 9.** 50.096 (2) (intro.) of the statutes is amended to read:

21 50.096 (2) (intro.) By July 1, ~~1988~~ 1998, and annually thereafter, the  
22 department shall provide each nursing home and the office of the long-term care  
23 ombudsman with a report that includes the following information for the nursing  
24 home:

25 **SECTION 10.** 50.096 (2) (a) of the statutes is repealed.

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1           **SECTION 11.** 50.096 (2) (am) of the statutes is created to read:

2           50.096 (2) (am) The average number of nursing staff available per shift per 10  
3 residents for the previous year for the nursing home and for all similar nursing  
4 homes in the same geographical area, as determined by the department.

5           **SECTION 12.** 50.096 (2) (b) of the statutes is amended to read:

6           50.096 (2) (b) The staff replacement rates for full-time and part-time nursing  
7 staff, nurse's assistants and administrators for the previous year for the nursing  
8 home and for all similar nursing homes in the same geographical area, as determined  
9 by the department.

10          **SECTION 13.** 50.096 (2) (c) of the statutes is amended to read:

11          50.096 (2) (c) Violations of statutes or rules by the nursing home during the  
12 previous year for the nursing home and for all similar nursing homes in the same  
13 geographical area, as determined by the department.

14          **SECTION 14.** 50.096 (2m) of the statutes is created to read:

15          50.096 (2m) The report under sub. (2) shall have as its first page a simplified  
16 summary of the information required under sub. (2) (am) to (c), including a graphical  
17 picture of the nursing home's position compared to that of all similar nursing homes  
18 in the same geographical area.

19          **SECTION 15.** 50.096 (3) of the statutes is amended to read:

20          50.096 (3) Upon receipt of a report under sub. (2), the nursing home shall ~~make~~  
21 ~~the report available to any person requesting the report~~ provide a copy of the report  
22 to every resident of the nursing home and his or her guardian, if any, to every  
23 prospective resident of the nursing home, if any and to every person who  
24 accompanies a prospective resident or acts as the prospective resident's  
25 representative, as defined in s. 655.001 (12), if any. The nursing home shall include

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1 with the report a statement that a complete copy of the most recent report of  
2 inspection of the nursing home by the department will be provided by the department  
3 upon request for a minimal fee.

4 **SECTION 16. Appropriation changes; board on aging and long-term**  
5 **care.**

6 (1) OMBUDSMAN POSITIONS. In the schedule under section 20.005 (3) of the  
7 statutes for the appropriation to the board on aging and long-term care under section  
8 20.432 (1) (a) of the statutes, as affected by the acts of 1997, the dollar amount is  
9 increased by \$68,700 for fiscal year 1998-99 to increase the authorized FTE positions  
10 for the board by 3.0 GPR positions on January 1, 1999, for the performance of  
11 activities as representatives of the ombudsman.

12 (END)