

1999 DRAFTING REQUEST**Bill**Received: **09/24/98**Received By: **kenneda**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 7-7980**By/Representing: **Geisler**This file may be shown to any legislator: **NO**Drafter: **kenneda**May Contact: **Andy Forsaith (DHFS)**

Alt. Drafters:

Subject: **Health - facility licensure**Extra Copies: **TAY**

Topic:

DOA:.....Geisler - License fees for adult facilities

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>
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2/1/99 7:26:23 AM
Page 2

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FE Sent For:

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Kmg*

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Km 12/28*

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Subject: **Health - facility licensure**

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DHFS

Department of Health and Family Services
1999-2001 Biennial Budget Statutory Language Request
September 11, 1998

Title: Adult Facilities License Fees

Current Language

S. 50.37⁰(2) establishes a biennial license fee for a community based residential facility (CBRFs) equal to \$170 plus \$22 per resident, based on the facility's licensed capacity.

S. 50.033(2) establishes a biennial license fee for licensed adult family homes equal to \$75.

The Department certifies adult day care centers under the general provisions of s. 46.27(11) to receive funding under the Community Options Program (COP) and the Community Options Medicaid Waiver Program (COP-Waiver).

Proposed Change

Revise s. 50.037⁽²⁾ to increase the biennial fee for CBRFs to \$391 plus \$51 per resident.

Revise s. 50.033 to increase the biennial fee for adult family homes to \$173 per facility.

Establish a biennial fee for adult day care centers certified under s. 46.27(11) equal to \$100 plus \$20 per client, based on the total number of clients that the facility is certified to serve. Also authorize the Department to increase the fee in the future through administrative rule.

no authority
definition?
20.435
(

Effect of the Change

The changes would increase fees for CBRFs and adult family homes and establish a fee for adult day care centers for the first time.

Rationale for the Change

The Department requests the fee increases to cover the cost of the Department's workload for licensing and monitoring these facilities. Specifically, the Department projects it will need an additional 10.75 FTE in FY 00 and 13.25 FTE in FY 01 to carry out licensing and monitoring activities in the 99-01 biennium.

Desired Effective Date: Upon passage
Agency: DHFS
Agency Contact: Andy Forsaith
Phone: 6-7684



SOON
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0321/1

DAK...:k...
AMG

D-NOTE

DOA:.....Geisler – License fees for adult facilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

WPO
Print
w/line #'s

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

This bill increases the biennial license fee for a community-based residential facility to \$391, plus \$51 for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to \$173.

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:

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

50.033 (2) REGULATION. Standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, inspection, revocation and appeal of revocation under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until revoked under this section. Licensure is not transferable. The biennial licensure fee for a licensed adult family home is ~~\$75~~ \$173. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department, on a schedule determined by the department if the department licenses the adult family home under sub. (1m) (b).

History: 1993 a. 327; 1995 a. 27; 1997 a. 27.

SECTION 2. 50.037 (2) (a) of the statutes is amended to read:

50.037 (2) (a) The biennial fee for a community-based residential facility is ~~\$170~~ \$391, plus a biennial fee of ~~\$22~~ \$51 per resident, based on the number of residents that the facility is licensed to serve.

History: 1973 c. 90, 243, 333; 1975 c. 413 s. 18; 1975 c. 430 ss. 73, 80; 1977 c. 26, 418; 1979 c. 221; 1983 a. 27; 1987 a. 161 s. 13m; 1991 a. 39; 1993 a. 16; 1993 a. 27 ss. 253 to 256; Stats. 1993 s. 50.037; 1993 a. 183, 375; 1995 a. 27; 1997 a. 27.

(END)

D-NOTE

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0321/1dn

DAK...
KMG

To Jeff Geisler:

ch.
I have not drafted that portion of the request that establishes fees for certification of adult day care centers because there is insufficient information to do so. Although, according to the request, DHFS certifies adult day care centers under s. 46.27 (11), stats., no authority for that certification is specified under that subsection. (It seems more likely that, contrary to what is stated in the request, DHFS certifies adult day care centers for medical assistance provider purposes, instead, under s. 49.45 (2) (a) 11., stats.) It would appear that placement of a requirement for certification in order to operate an adult day care center, for which a fee would be charged, would be appropriate in ~~Chapter~~ *ch.* 50, stats., although possibly it is appropriate under ~~Chapter~~ *ch.* 49, stats., if the only reason for the certification is for medical assistance purposes. To draft a requirement for a biennial certification fee, I need all of the following:

1. A workable definition of "adult day care center".
2. A listing of criteria used for certification.
3. A citation to the correct appropriation (s. 20.435 (1) (gm), stats.?) into which certification fees would be deposited.

Debora A. Kennedy
Assistant Chief Counsel
266-0137

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0321/1dn
DAK:kmg:km

October 20, 1998

To Jeff Geisler:

I have not drafted that portion of the request that establishes fees for certification of adult day care centers because there is insufficient information to do so. Although, according to the request, DHFS certifies adult day care centers under s. 46.27 (11), stats., no authority for that certification is specified under that subsection. (It seems more likely that, contrary to what is stated in the request, DHFS certifies adult day care centers for medical assistance provider purposes, instead, under s. 49.45 (2) (a) 11., stats.) It would appear that placement of a requirement for certification in order to operate an adult day care center, for which a fee would be charged, would be appropriate in ch. 50, stats., although possibly it is appropriate under ch. 49, stats., if the only reason for the certification is for medical assistance purposes. To draft a requirement for a biennial certification fee, I need all of the following:

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2. A listing of criteria used for certification.
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Debra A. Kennedy
Assistant Chief Counsel
266-0137

Kennedy, Debora

From: Geisler, Jeffrey [jeffrey.geisler@doa.state.wi.us]
Sent: Friday, November 20, 1998 9:29 AM
To: Kennedy, Debora
Subject: FW: Adult day care fee proposal



CBRFfee stat lang.doc

Debora,

This is the DHFS response to your concern.
Please call me and we'll talk it through.
Thanks

Jeffrey A. Geisler
267-7980
DOA State Budget Office

> -----Original Message-----

> From: Andrew Forsaith [SMTP:FORSAAC@dhfs.state.wi.us]
> Sent: Tuesday, November 17, 1998 4:28 PM
> To: geislj@mail.state.wi.us
> Subject: Adult day care fee proposal

>

> Jeff — I dont think the first send of this message worked, so I'm sending
> it again via the internet.

>

> Jeff — A few weeks ago you passed along questions from Debora Kennedy
> about our stat language request (LRB 0321) to establish a fee for
> certifying adult day care facilities. Here finally is my response.

>

> The questions were essentially: The statutes currently do not explicitly
> authorize the department to certify ADC. Can we create language in
> chapter 50 that provides that authorization? How do we define ADC?

>

> The department currently certifies ADC that receive MA waiver funding
> under the general authority of s. 46.27(11) as part of federally required
> quality assurance measures for the waiver program. It would be fine to
> create language in chapter 50, but we would like to make the language as
> brief as possible. We don't want to disturb the certification process or
> the standards under which the programs are currently certified. We also
> wish to continue to certify only MA waiver participants. There are
> roughly 90 MA certified facilities currently and about 20 or so
> noncertified programs that have no regulatory relationship with the
> Department. Extending certification requirements to the non certified
> programs would be a significant expansion (at least philosophically) of
> the Department's regulatory responsibilities, something that we did not
> intend to do through this stat language request and for which we don't
> have staff to accomplish.

>

> Also, we don't wish to inadvertently include ADC in caregiver background
> check provisions under 50.065. The Department's official policy is that
> ADC is currently not included, based on 50.065(1)(c)3 * that the facility
> is certified only for Medicaid purposes. We don't want to confuse
> providers by shifting course now. Here is the language we propose for
> chapter 50:

>

> 1. State that the Department may certify adult day care facilities to
> provide services funded under s. 46.27(11)

- >
- > 2. Define adult day care centers as entities that "provide services for
- > part of a day in a group setting to adults who need an enriched social or
- > health-supportive experience, or may need assistance with activities of
- > daily living, supervision and/or protection."
- >
- > 3. Establish a biennial fee for adult day care centers equal to \$100 plus
- > \$20 per client, based on the total number of clients that the facility is
- > certified to serve. Also authorize the Department to increase the fee in
- > the future through administrative rule.
- >
- > We believe that under this language, ADC would continue to fall under
- > 50.065(1)(c)3. and be exempted from 50.065 requirements. The ADC
- > definition included above is taken from the Department's MA Waivers
- > Manual.
- >
- > Last, while I emailed you the briefing paper for the adult facilities
- > licensing DIN, I don't think I emailed you the accompanying stat language
- > paper. Here it is.
- > <<CBRFfee stat lang.doc>>



Department of Health and Family Services
1999-2001 Biennial Budget Statutory Language Request
November 20, 1998

Title: Adult Facilities License Fees

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Agency: DHFS
Agency Contact: Andy Forsaith
Phone: 6-7684

-0321 redraft

12/21/98: From Jeff Geisler:

Correct appropriation is 20.435(6)(jm)



SOON - in edit 12/23

State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0321/42
DAK:kmg:km

D-NOTE

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FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT <sup>Don't
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INSERT
ANALYSIS
1A

INSERT
ANALYSIS
1B

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

INSERT
1-1 2

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

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0321/2ins
DAK:kmg:km

ANALYSIS 1-A ✓

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP Waiver".

home-based

ANALYSIS 1-B

The bill prohibits a person from operating an adult day care center (as defined in the bill) to provide services to clients under the COP Waiver unless the adult day care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

Section #. 20.435 (6) (jm) of the statutes is amended to read:

49.45 (46),
~~49.46~~

20.435 (6) (jm) ~~Licensing~~ ^{certifying} ~~and support services~~. The amounts in the schedule for the purposes specified in ss. 50.02 (2), 50.025, 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and for the costs of inspecting, ~~licensing and approving~~ facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection. All moneys received under ss. 50.02 (2), 50.025, 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys received from fees for the costs of inspecting, ~~licensing and approving~~ facilities, issuing permits and providing technical assistance that are not specified under any other paragraph in this subsection, and all moneys received under 50.135 (2), less the amounts credited to the appropriation account under sub. (1) (gm), shall be credited to this appropriation account.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34. 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293.

SECTION . CR; 49.45 (46)

③ ~~25~~ ADULT DAY CARE CENTERS

49.45 (46) (a) In this subsection, "adult day care center" means an entity that provides services for part of a day in a group setting to adults who need an enriched health-supportive or social experience and who may need assistance with activities of daily living, supervision or protection.

(b) No person may operate an adult day care center for the provision of services to clients under s. 46.27(11) unless the adult day care center is certified by the department under sub. (2)(a) 11. as a provider of medical assistance.

Required

P. 37
3

(c) The biennial fee for ^{the} certification under par. (b) of an adult day care center is \$100, plus a biennial fee of \$20 per client, based on the number of clients that the adult day care center is certified to serve. Fees collected under this paragraph shall be credited to the appropriation ^{account} under s. 20.435(6)(jm).

(d) The department, by rule, may increase any fee specified in par. (c).

End of INSERT
1-1

D-NOTE

:Kmg:

To Jeff Geisler:

1. I agree with Andy Forsythe that, as this bill is redrafted, ^(an) adult day care center does not qualify as an "entity" under s. 50.065, ^{stats.} (the background check statute) because of the exclusion under s. 50.065 (1) (c) 3., stats.

DAK

2. Are fees charged to other providers for certification under s. 49.45(2)(a) 11. ^{stats.}? Are those fees ~~app~~ credited to s. 20.435(6)(jm), ^{stats.}? I ask, because it has been necessary to amend s. 20.435(6)(jm), stats., in this draft, which is curious if current certification activities are being carried out with respect to that appropriation.

→

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

LRB-0321/2dn
DAK:kmg:km

December 28, 1998

To Jeff Geisler:

1. I agree with Andy Forsaith that, as this bill is redrafted, an adult day care center does not qualify as an "entity" under s. 50.065, stats., (the background check statute) because of the exclusion under s. 50.065 (1) (c) 3., stats.

2. Are fees charged to other providers for certification under s. 49.45 (2) (a) 11. stats.? Are those fees credited to s. 20.435 (6) (jm), stats.? I ask, because it has been necessary to amend s. 20.435 (6) (jm), stats., in this draft, which is curious if current certification activities are being carried out with respect to that appropriation.

Debora A. Kennedy
Assistant Chief Counsel
66-0137

Kennedy, Debora

From: Geisler, Jeffrey [jeffrey.geisler@doa.state.wi.us]
Sent: Monday, January 11, 1999 11:58 AM
To: Kennedy, Debora
Subject: FW: Adult day care draft (LRB 0321/2)

Debora,
I have no problem with this change.
Please let me know if you have any concerns.
thanks
Jeffrey A. Geisler
267-7980
DOA State Budget Office

> -----Original Message-----
> From: Forsaith, Andrew
> Sent: Friday, January 08, 1999 1:41 PM
> To: Geisler, Jeffrey
> Cc: Smith, Janice
> Subject: Adult day care draft
>
> Jeff * here's what we'd like to have changed in the license fees for adult
> facilities draft, LRB-0321/2.
>
> In s.49.45(46)(b) (page 3 line 3), instead of saying "no person may
> operate an
> adult day care center for the provision of services to clients under s.
> 46.27(11) unless....." we would like it to say that "no person may
> receive
> reimbursement under 46.27(11) for the provision of services to clients in
> an
> adult day care center unless..." The reason for the proposed change is
> that the
> current language in the draft may give the impression that we would shut
> down a
> facility that loses its certification, rather than simply deny its MA
> Waiver
> funding. Current practice is that certification is required only for
> funding
> purposes and not for operation, and we'd like the language to say that
> more
> explicitly. Thanks for considering this change.
>



SOON In edit 1/13

State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0321/3
DAK:kmg:ksa

DOA:.....Geisler - License fees for adult facilities

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ^{Don't Gen Act.} relating to: the budget.

who provides services to clients under the COP waiver in

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home-based or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP waiver".

This bill increases the biennial license fee for a community-based residential facility to \$391, plus \$51 for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to \$173.

The bill prohibits a person from operating an adult day care center (as defined in the bill) to provide services to clients under the COP waiver unless the adult day

the receipt of MA reimbursement by

care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

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.** 20.435 (6) (jm) of the statutes is amended to read:

2 20.435 (6) (jm) *Licensing, certifying and support services.* The amounts in the
3 schedule for the purposes specified in ss. 49.45 (46), 50.02 (2), 50.025, 50.13, 50.135,
4 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50
5 and to conduct health facilities plan and rule development activities, for accrediting
6 nursing homes, convalescent homes and homes for the aged, to conduct capital
7 construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and
8 for the costs of inspecting, licensing and approving facilities, issuing permits and
9 providing technical assistance that are not specified under any other paragraph in
10 this subsection. All moneys received under ss. 49.45 (46), 50.02 (2), 50.025, 50.13,
11 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys
12 received from fees for the costs of inspecting, licensing and approving facilities,
13 issuing permits and providing technical assistance that are not specified under any
14 other paragraph in this subsection, and all moneys received under 50.135 (2), less
15 the amounts credited to the appropriation account under sub. (1) (gm), shall be
16 credited to this appropriation account.

17 **SECTION 2.** 49.45 (46) of the statutes is created to read:

18 49.45 (46) **ADULT DAY CARE CENTERS.** In this subsection, “adult day care center”
19 means an entity that provides services for part of a day in a group setting to adults

1 who need an enriched health-supportive or social experience and who may need
2 assistance with activities of daily living, supervision or protection.

3 (b) No person may ~~operate an adult day care center for the provision of services~~
4 ~~to clients~~ under s. 46.27 (11) unless the adult day care center is certified by the
5 department under sub. (2) (a) 11. as a provider of medical assistance.

6 (c) The biennial fee for the certification required under par. (b) of an adult day
7 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
8 clients that the adult day care center is certified to serve. Fees collected under this
9 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

10 (d) The department, by rule, may increase any fee specified in par. (c).

11 **SECTION 3.** 50.033 (2) of the statutes is amended to read:

12 **50.033 (2) REGULATION.** Standards for operation of licensed adult family homes
13 and procedures for application for licensure, monitoring, inspection, revocation and
14 appeal of revocation under this section shall be under rules promulgated by the
15 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
16 revoked under this section. Licensure is not transferable. The biennial licensure fee
17 for a licensed adult family home is ~~\$75~~ \$173. The fee is payable to the county
18 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
19 licenses the adult family home under sub. (1m) (b), and is payable to the department,
20 on a schedule determined by the department if the department licenses the adult
21 family home under sub. (1m) (b).

22 **SECTION 4.** 50.037 (2) (a) of the statutes is amended to read:

receive reimbursement
for the provision of services
to clients in an adult
day care center

1/19 From Jeff Geisler
Redraft 99-0321/3

p. 3, line 17:
\$ 173 - \$142.50

p. 4, l. 2
391 → 323
51 → 41.80

(SOON - In edit 1/19)

1999 - 2000 LEGISLATURE

LRB-0321/84

DAK:kmg

DOA:.....Geisler - License fees for adult facilities

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ^{Don't} ^{Gen. Cat.} relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home-based or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP waiver".

This bill increases the biennial license fee for a community-based residential facility to ~~\$170~~, plus ~~\$22~~ for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to ~~\$75~~.

The bill prohibits the receipt of MA reimbursement by a person who provides services to clients under the COP waiver in an adult day care center (as defined in

\$41.80

\$323

\$142.50

the bill) unless the adult day care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

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.** 20.435 (6) (jm) of the statutes is amended to read:

2 20.435 (6) (jm) *Licensing, certifying and support services.* The amounts in the
3 schedule for the purposes specified in ss. ~~49.45 (46)~~, 50.02 (2), 50.025, 50.13, 50.135,
4 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50
5 and to conduct health facilities plan and rule development activities, for accrediting
6 nursing homes, convalescent homes and homes for the aged, to conduct capital
7 construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and
8 for the costs of inspecting, licensing and approving facilities, issuing permits and
9 providing technical assistance that are not specified under any other paragraph in
10 this subsection. All moneys received under ss. ~~49.45 (46)~~, 50.02 (2), 50.025, 50.13,
11 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys
12 received from fees for the costs of inspecting, licensing and approving facilities,
13 issuing permits and providing technical assistance that are not specified under any
14 other paragraph in this subsection, and all moneys received under 50.135 (2), less
15 the amounts credited to the appropriation account under sub. (1) (gm), shall be
16 credited to this appropriation account.

17 **SECTION 2.** 49.45 (46) of the statutes is created to read:

18 49.45 (46) ADULT DAY CARE CENTERS. ^(a) In this subsection, "adult day care center"
19 means an entity that provides services for part of a day in a group setting to adults

1 who need an enriched health-supportive or social experience and who may need
2 assistance with activities of daily living, supervision or protection.

3 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
4 of services to clients in an adult day care center unless the adult day care center is
5 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

6 (c) The biennial fee for the certification required under par. (b) of an adult day
7 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
8 clients that the adult day care center is certified to serve. Fees collected under this
9 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

10 (d) The department, by rule, may increase any fee specified in par. (c).

11 **SECTION 3.** 50.033 (2) of the statutes is amended to read:

12 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
13 and procedures for application for licensure, monitoring, inspection, revocation and
14 appeal of revocation under this section shall be under rules promulgated by the
15 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
16 revoked under this section. Licensure is not transferable. The biennial licensure fee
17 for a licensed adult family home is \$75 ~~\$175~~. The fee is payable to the county
18 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
19 licenses the adult family home under sub. (1m) (b), and is payable to the department,
20 on a schedule determined by the department if the department licenses the adult
21 family home under sub. (1m) (b).

22 **SECTION 4.** 50.037 (2) (a) of the statutes is amended to read:

\$142.50

1 50.037 (2) (a) The biennial fee for a community-based residential facility is
2 \$170 ~~\$321~~, plus a biennial fee of \$22 ~~\$51~~ per resident, based on the number of
3 residents that the facility is licensed to serve.

4

(END)

\$323

\$41.80

TODAY - In edit 1/31

1999 - 2000 LEGISLATURE

LRB-0321/5

DAK:kmg

D-NOTE

DOA:.....Geisler - License fees for adult facilities

FOR 1999-01 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

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home-based or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP waiver".

This bill increases the biennial license fee for a community-based residential facility to \$323, plus \$41.80 for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to \$142.50.

The bill prohibits the receipt of MA reimbursement by a person who provides services to clients under the COP waiver in an adult day care center (as defined in

the bill) unless the adult day care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

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. 20.435 (6) (jm) of the statutes is amended to read:

2 20.435 (6) (jm) *Licensing, certifying and support services.* The amounts in the
3 schedule for the purposes specified in ss. ~~49.45 (47)~~, 50.02 (2), 50.025, 50.13, 50.135,
4 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50
5 and to conduct health facilities plan and rule development activities, for accrediting
6 nursing homes, convalescent homes and homes for the aged, to conduct capital
7 construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and
8 for the costs of inspecting, licensing and approving facilities, issuing permits and
9 providing technical assistance that are not specified under any other paragraph in
10 this subsection. All moneys received under ss. ~~49.45 (47)~~, 50.02 (2), 50.025, 50.13,
11 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys
12 received from fees for the costs of inspecting, licensing and approving facilities,
13 issuing permits and providing technical assistance that are not specified under any
14 other paragraph in this subsection, and all moneys received under 50.135 (2), less
15 the amounts credited to the appropriation account under sub. (1) (gm), shall be
16 credited to this appropriation account.

(47) ✓

17 SECTION 2. 49.45 ~~(47)~~ ⁽⁴⁷⁾ of the statutes is created to read:

18 49.45 ~~(47)~~ ADULT DAY CARE CENTERS. (a) In this subsection, "adult day care
19 center" means an entity that provides services for part of a day in a group setting to

(47)

1 adults who need an enriched health-supportive or social experience and who may
2 need assistance with activities of daily living, supervision or protection.

3 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
4 of services to clients in an adult day care center unless the adult day care center is
5 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

6 (c) The biennial fee for the certification required under par. (b) of an adult day
7 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
8 clients that the adult day care center is certified to serve. Fees collected under this
9 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

10 (d) The department, by rule, may increase any fee specified in par. (c).

11 **SECTION 3.** 50.033 (2) of the statutes is amended to read:

12 **50.033 (2) REGULATION.** Standards for operation of licensed adult family homes
13 and procedures for application for licensure, monitoring, inspection, revocation and
14 appeal of revocation under this section shall be under rules promulgated by the
15 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
16 revoked under this section. Licensure is not transferable. The biennial licensure fee
17 for a licensed adult family home is ~~\$75~~ \$142.50. The fee is payable to the county
18 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
19 licenses the adult family home under sub. (1m) (b), and is payable to the department,
20 on a schedule determined by the department if the department licenses the adult
21 family home under sub. (1m) (b).

22 **SECTION 4.** 50.037 (2) (a) of the statutes is amended to read:

1 50.037 (2) (a) The biennial fee for a community-based residential facility is
2 ~~\$170~~ ~~\$323~~, plus a biennial fee of ~~\$22~~ \$41.80 per resident, based on the number of
3 residents that the facility is licensed to serve.

4 (END)

D-NOTE

D-NOTE

To Jeff Geisler:

P. This redraft changes s. 49.45⁵(46) ✓ to
s. 49.45(47) ✓ to avoid a conflict with ^{LRB}~~99~~-0315.

DAK

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

LRB-0321/5dn
DAK:kmg:km

January 31, 1999

Jeff Geisler:

This redraft changes s. 49.45 (46) to s. 49.45 (47) to avoid a conflict with LRB-0315.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137

SOON - In edit 2/2

1999 - 2000 LEGISLATURE

LRB-0321/36

DAK:kmg:km

D-NOTE

DOA:.....Geisler - License fees for adult facilities

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

Don't
Gen. Cat.

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home-based or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP waiver".

This bill increases the biennial license fee for a community-based residential facility to \$323, plus \$41.80 for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to \$142.50.

The bill prohibits the receipt of MA reimbursement by a person who provides services to clients under the COP waiver in an adult day care center (as defined in

the bill) unless the adult day care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

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.** 20.435 (6) (jm) of the statutes is amended to read:

2 20.435 (6) (jm) *Licensing, certifying and support services.* The amounts in the
3 schedule for the purposes specified in ss. ~~49.45 (47)~~, 50.02 (2), 50.025, 50.13, 50.135,
4 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57 and 50.981 and subch. IV of ch. 50
5 and to conduct health facilities plan and rule development activities, for accrediting
6 nursing homes, convalescent homes and homes for the aged, to conduct capital
7 construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2) and
8 for the costs of inspecting, licensing and approving facilities, issuing permits and
9 providing technical assistance that are not specified under any other paragraph in
10 this subsection. All moneys received under ss. ~~49.45 (47)~~, 50.02 (2), 50.025, 50.13,
11 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c) and 50.981, all moneys
12 received from fees for the costs of inspecting, licensing and approving facilities,
13 issuing permits and providing technical assistance that are not specified under any
14 other paragraph in this subsection, and all moneys received under 50.135 (2), less
15 the amounts credited to the appropriation account under sub. (1) (gm), shall be
16 credited to this appropriation account.

17 **SECTION 2.** 49.45 (47) of the statutes is created to read:

18 49.45 (47) ADULT DAY CARE CENTERS. (a) In this subsection, “adult day care
19 center” means an entity that provides services for part of a day in a group setting to

1 adults who need an enriched health-supportive or social experience and who may
2 need assistance with activities of daily living, supervision or protection.

3 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
4 of services to clients in an adult day care center unless the adult day care center is
5 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

6 (c) The biennial fee for the certification required under par. (b) of an adult day
7 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
8 clients that the adult day care center is certified to serve. Fees collected under this
9 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

10 (d) The department, by rule, may increase any fee specified in par. (c).

11 **SECTION 3.** 50.033 (2) of the statutes is amended to read:

12 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
13 and procedures for application for licensure, monitoring, inspection, revocation and
14 appeal of revocation under this section shall be under rules promulgated by the
15 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
16 revoked under this section. Licensure is not transferable. The biennial licensure fee
17 for a licensed adult family home is ~~\$75~~ \$142.50. The fee is payable to the county
18 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
19 licenses the adult family home under sub. (1m) (b), and is payable to the department,
20 on a schedule determined by the department if the department licenses the adult
21 family home under sub. (1m) (b).

22 **SECTION 4.** 50.037 (2) (a) of the statutes is amended to read:

D-NOTE

To Jeff Geisler:

This draft reconciles LRB-0028/6,
LRB-0321/5 and LRB-0333/1. ~~LRB-0028, LRB-0321~~
and LRB-0333 all should continue to
appear in the compiled bill.

DAK

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

LRB-0321/6dn
DAK:kmg:hmh

Wednesday, February 3, 1999

To Jeff Geisler:

This draft reconciles LRB-0028/6, LRB-0321/5 and LRB-0333/1. LRB-0028, LRB-0321 and LRB-0333 all should continue to appear in the compiled bill.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0321/6
DAK:kmg:hmh

DOA:.....Geisler - License fees for adult facilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, community-based residential facilities must be licensed for operation by the department of health and family services (DHFS). The biennial fee for licensure of a community-based residential facility is \$170, plus a biennial fee of \$22 for each resident for which the facility has licensed capacity. Adult family homes that are not private residences must be licensed for operation by DHFS or by a county department of social services, human services, developmental disabilities services or community programs. The biennial fee for licensure of an adult family home is \$75.

Currently, under a waiver of federal medicaid laws, state revenues and federal medicaid moneys provide home-based or community-based care under the long-term support community options program to persons who are eligible for medical assistance (MA) and who are elderly, physically or developmentally disabled, chronically mentally ill or chemically dependent; this is known as care under the "COP waiver".

This bill increases the biennial license fee for a community-based residential facility to \$323, plus \$41.80 for each resident that the facility is authorized to serve, and increases the biennial license fee for an adult family home to \$142.50.

The bill prohibits the receipt of MA reimbursement by a person who provides services to clients under the COP waiver in an adult day care center (as defined in

the bill) unless the adult day care center is certified as a provider of MA by DHFS. The bill prescribes a biennial fee for this certification of an adult day care center of \$100, plus a biennial fee of \$20 for each client that the adult day care center is certified to serve.

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.** 49.45 (47) of the statutes is created to read:

2 49.45 (47) ADULT DAY CARE CENTERS. (a) In this subsection, “adult day care
3 center” means an entity that provides services for part of a day in a group setting to
4 adults who need an enriched health–supportive or social experience and who may
5 need assistance with activities of daily living, supervision or protection.

6 (b) No person may receive reimbursement under s. 46.27 (11) for the provision
7 of services to clients in an adult day care center unless the adult day care center is
8 certified by the department under sub. (2) (a) 11. as a provider of medical assistance.

9 (c) The biennial fee for the certification required under par. (b) of an adult day
10 care center is \$100, plus a biennial fee of \$20 per client, based on the number of
11 clients that the adult day care center is certified to serve. Fees collected under this
12 paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

13 (d) The department, by rule, may increase any fee specified in par. (c).

14 **SECTION 2.** 50.033 (2) of the statutes is amended to read:

15 50.033 (2) REGULATION. Standards for operation of licensed adult family homes
16 and procedures for application for licensure, monitoring, inspection, revocation and
17 appeal of revocation under this section shall be under rules promulgated by the
18 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
19 revoked under this section. Licensure is not transferable. The biennial licensure fee

1 for a licensed adult family home is ~~\$75~~ \$142.50. The fee is payable to the county
2 department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department
3 licenses the adult family home under sub. (1m) (b), and is payable to the department,
4 on a schedule determined by the department if the department licenses the adult
5 family home under sub. (1m) (b).

6 **SECTION 3.** 50.037 (2) (a) of the statutes is amended to read:

7 50.037 (2) (a) The biennial fee for a community-based residential facility is
8 ~~\$170~~ \$323, plus a biennial fee of ~~\$22~~ \$41.80 per resident, based on the number of
9 residents that the facility is licensed to serve.

10 (END)