

**1999 DRAFTING REQUEST**

**Bill**

Received: **09/24/98**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2288**

By/Representing: **Fossum**

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

Drafter: **kenneda**

May Contact: **Lisa Kelly (DHFS)**

Alt. Drafters:

Subject: **Health - long-term care**

Extra Copies: **TAY**

**Topic:**

DOA:.....Fossum - Assessments of COP or other eligibility prior to C-BRF admission

**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>
/?	kenneda 10/19/98			_____			S&L
/P1	yacketa 11/16/98	chanaman 11/18/98	jfrantze 11/18/98	_____	gretskl 11/18/98		S&L
/1	yacketa 12/16/98	gilfokm 12/17/98	jfrantze 12/18/98	_____	lrb_docadmin 12/18/98		

FE Sent For:

<END>

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/P1	yacketa 11/16/98	chanaman 11/18/98	jfrantze 11/18/98	_____	gretskl 11/18/98		

FE Sent For:

cmh /  
1/16  
1-12-17  
KMG

to 12/18

to RP  
END  
12/18

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Priority Meeting

Drafting History:

release submit

<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?	kenneda	1/11-1/17 KMG	10/11/98	11/18			

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Extra Copies: TAY, DHFS

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DOA:.....Fossum - Assessments of COP or other eligibility prior to C-BRF admission

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/?	kenneda			_____			
				_____			

FE Sent For:

<END>

# DHFS

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*Department of Health and Family Services*  
**1999-2001 Biennial Budget Statutory Language Request**  
September 14, 1998

## Topic: Pre-Admission Assessments for CBRFs

### **Current Language**

Under current law, for a person to be eligible for COP, COP-W or CIP II funding, a COP assessment must be completed prior to the person's admission to a community-based residential facility (CBRF), whether or not the person is a private pay admittee at the time of admission

### **Proposed Change**

Modify s.46.27 (7)(cj) 3 a, s.46.27 (11) 5n.a., and s.46.277 (5)(d) 1n.a that require a pre-admission assessment in order to access COP, COP-W and CIP II as funding sources to specify that counties have the option to waive the assessment under Department identified guidelines, except in cases where a new admission after 6/30/99 will spend down his or her resources within one year. Include language that specifies that CBRF residents for whom the county waives the assessment would be eligible for COP, COP-W or CIP II funding.

Create or amend existing language to require CBRFs to refer all potential CBRF residents, prior to admission, to the county. This language would apply to prospective admissions after 6/30/99.

Amend s.50.035(7)(c) so that CBRFs are required to refer the client and provide financial statements to the county for all new admissions after 6/30/99 with less than 12 months of funds, rather than the current 24 months, for the assessment. Current language does not require the CBRF to make a referral to the county.

### **Effect of the Change**

These statutory changes would allow counties to waive the requirement for the pre-admission assessment from the COP, COP-W and CIP II funding (except for persons who will spend down resources within one year) and make the assessment requirement applicable prior to an individual's admission to the CBRF. In addition, counties would be notified of persons who are projected to deplete personal resources within one year.

### **Rationale for the Change**

The 1997-99 biennial budget included language that limited use of COP, COP-W or CIP II funds to persons in a CBRF who, in addition to other requirements, had a COP assessment completed prior to their CBRF admission. The requirement specifies that all persons who might at any future time seek funding while residing in a CBRF must have had an assessment before admittance to the facility or they will be ineligible for funds in that setting. This means that either the county or CBRF must keep track of who got an assessment in the event that one to ten years later the person spends down and seeks public funding. It also means that a person will have to be denied COP funding for CBRF services if they did not get the assessment years earlier when they entered or if they refused the assessment.

Under Family Care individuals entering long-term care residential facilities, including CBRFs, will be required to have a functional screen administered by the Resource Center. The proposed changes reflect this requirement and the fact that the Family Care will begin phasing in after June 30, 1999.

**Desired Effective Date:** Upon Passage of Bill  
**Agency:** DHFS  
**Agency Contact:** Lisa Kelly  
**Phone:** 266-5362

Modify language under COP, COP-W and CIP II funding that requires a pre-admission assessment in order to access those funding sources to specify that a county has the option to waive the assessment. Include language that specifies that CBRF residents for whom the county waives the assessment would be eligible for COP, COP-W and CIP II funding.

s.46 (7)(cj)3a

s.46.27(11)5n.a.

s.46.277(5)(d)1n.a.

Amend s.50.035 (7)(c):

If the date estimated under par. (a)2. is less than 24 12 months after the date of the individual's statement of financial condition, the community based residential facility shall provide the statement to and refer the individuals to, the county department.



(D-NOTE / (SOON))  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0327/P1

TAY.....

RMR  
cmh  
img

DOA:.....Fossum – Assessments of COP or other eligibility prior to C-BRF admission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

*Analysis by the Legislative Reference Bureau*

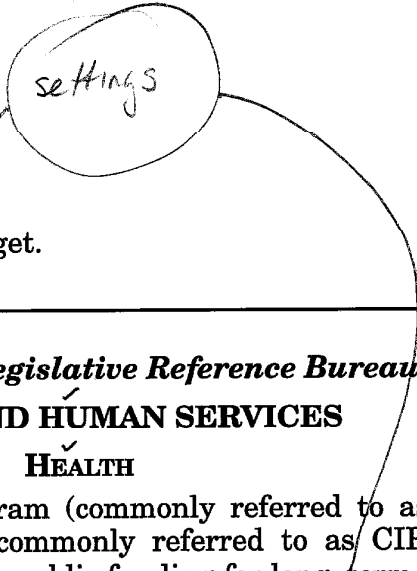
**HEALTH AND HUMAN SERVICES**

**HEALTH**

The community options program (commonly referred to as COP) and the community integration program (commonly referred to as CIP) are programs administered by counties to provide public funding for long-term care services for individuals in ~~a setting~~ other than an institutional ~~setting~~. Under current law, a county may not use COP or CIP funds to provide services to an individual who resides in a community-based residential facility unless, prior to admission to the community-based residential facility, the individual has received an assessment of the individual's functional abilities, disabilities and need for medical and social long-term community support services.

Current law also requires a community-based residential facility, prior to admitting an individual, to prepare a statement of financial condition for the individual if the individual intends to pay for residence in the facility from private funds. The statement of financial condition must estimate a date, if any, by which the individual's assets and other private funding would be depleted if the individual were to reside continuously in the community-based residential facility. If that date is less than 24 months after the date of the statement of financial condition, the

done for cat.





less than

ca

community-based residential facility must provide the statement to the county department of social services.

This bill allows a county, with certain exceptions, to waive the requirement that an individual receive a functional assessment prior to admission to the community-based residential facility. The bill also requires a community-based residential facility to provide the statement of financial condition to the county department of social services if the estimated date of asset and private funding depletion is 12 months, rather than 24 months, after the date of the statement of financial condition.

Anal. ins.

Finally, the bill requires the community-based residential facility to refer an individual who applies for admission to the community-based residential facility on or after the date that this bill becomes law to the county department of human services if the individual's statement of financial condition indicates that, if the individual were to reside in the community-based residential facility, his or her assets and other private funds would be depleted within 12 months.

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. 46.27 (7) (c) 3. a. of the statutes is amended to read:

2 46.27 (7) (c) 3. a. An assessment under sub. (6) has been completed for the  
3 person prior to the person's admission to the community-based residential facility,  
4 whether or not the person is a private pay admittee at the time of admission. The  
5 county may waive this condition in accordance with rules promulgated by the  
6 department. However, the county may not waive this condition for a person who  
7 applies for residency at a community-based residential facility on or after the  
8 effective date of this subd. ~~section~~ 3. a. ~~the~~ [revisor inserts date], if the date estimated  
9 by <sup>the</sup> community-based residential facility under s. 50.035 (7) (a) 2. is less than 12  
10 months after the date of the individual's statement of financial condition under s.  
11 50.035 (7) (a).

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237.

12 SECTION 2. 46.27 (11) (c) 5n. a. of the statutes is amended to read:

1           46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the  
 2 person prior to the person's admission to the community-based residential facility,  
 3 whether or not the person is a private pay admittee at the time of admission. The  
 4 county may waive this condition in accordance with rules promulgated by the  
 5 department. However, the county may not waive this condition for a person who  
 6 applies for residency at a community-based residential facility on or after the  
 7 effective date of this subd<sup>(11)</sup> ~~section~~ 5n. a. [revisor inserts date] if the date estimated  
 8 by <sup>the</sup> community-based residential facility under s. 50.035 (7) (a) 2. is less than 12  
 9 months after the date of the individual's statement of financial condition under s.  
 10 50.035 (7) (a).

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329, (8); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 21, 39, 79, 237.

11           **SECTION 3.** 46.277 (5) (d) 1n. a. of the statutes is amended to read:

12           46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for  
 13 the person prior to the person's admission to the community-based residential  
 14 facility, whether or not the person is a private pay admittee at the time of admission.  
 15 The county may waive this condition in accordance with rules promulgated by the  
 16 department. However, the county may not waive this condition for a person who  
 17 applies for residency at a community-based residential facility on or after the  
 18 effective date of this subd<sup>(11)</sup> ~~section~~ 1n. a. [revisor inserts date] if the date estimated  
 19 by <sup>the</sup> community-based residential facility under s. 50.035 (7) (a) 2. is less than 12  
 20 months after the date of the individual's statement of financial condition under s.  
 21 50.035 (7) (a).

History: 1983 a. 27; 1985 a. 29 ss. 896nc to 896d, 3202 (23); 1985 a. 176; 1987 a. 27, 186, 399; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 27; 1997 a. 13, 27, 114

22           **SECTION 4.** 50.035 (7) (c) of the statutes is amended to read:

23           50.035 (7) (c) If the date estimated under par. (a) 2. is less than ~~24~~ 12 months  
 24 after the date of the individual's statement of financial condition, the

*Strike space*

1 community-based residential facility shall provide the statement to the county  
2 department under s. 46.215 or 46.22 and shall refer the potential resident to the  
3 county department.

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.

4 **SECTION 9323. Initial applicability; health and family services.**

5 (1) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS. The treatment of  
6 section 50.035 (7) (c) of the statutes first applies to applications for admission to a  
7 community-based residential facility made on the effective date of this subsection.

8 (END)

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

LRB-0327/P1dn  
TAY.....

*Chris King*

Gretchen Fossum:

1. The instructions for this draft were a bit confusing. On the one hand, the instructions ask to have language drafted that would "require CBRFs to refer all potential CBRF residents, prior to admission, to the county." On the other hand, the instructions seem to indicate that the referrals are to be made only for "new admissions after 6/30/99" and only if those new admissions would spend down their resources in less than 12 months. Please let me know if the department's intent is to require C-BRFs to refer all new admissions to the county, or only those with less than 12 months' worth of resources (which is how I've drafted this). Also, for what is the C-BRF referring the person to the county department? For a functional assessment?

2. The instructions ask for inclusion of language that specifies that a person for whom the county waives the assessment requirement would be eligible for COP, COP-W or CIP II. Isn't that the purpose of the waiver? In other words, a person who has not received an assessment is ineligible for COP, etc., unless the county waives that requirement. Because the instructions seemed redundant, I did not include the additional language requested.

3. The department indicated that the changes were to apply to new admissions beginning on July 1, 1999. Since it is unlikely that the budget bill will pass before that date, I have instead referred to the general effective date of the budget. OK?

4. This draft requires that the "guidelines" for waiving the pre-admission functional assessment be promulgated by the department by rule. OK?

Tina A. Yacker  
Legislative Attorney  
261-6927

LRB-0327/P1  
CMH

**Analysis**

I eliminated "an" so your changes would read correctly. *thanks!*

I was thinking that your last sentence of the analysis could be confusing—the separation between "to refer" and "to the county department" seems a bit awkward. Could it read:

*Anal.  
Ins.*

Finally, if an individual applies for admission to the community-based residential facility on or after the date that this bill becomes law and the individual's statement of financial condition indicates that, if the individual were to reside in the community-based residential facility, his or her assets and other private funds would be depleted within 12 months, the bill requires a community-based residential facility to refer him or her to the county department of human services.

*is required under the bill*

**Body**

I added the underscored "the"s throughout the draft to match your changes in section one.

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

LRB-0327/P1dn  
TAY:cmh&kmg:jf

November 18, 1998

Gretchen Fossum:

1. The instructions for this draft were a bit confusing. On the one hand, the instructions ask to have language drafted that would "require CBRFs to refer all potential CBRF residents, prior to admission, to the county". On the other hand, the instructions seem to indicate that the referrals are to be made only for "new admissions after 6/30/99" and only if those new admissions would spend down their resources in less than 12 months. Please let me know if the department's intent is to require C-BRFs to refer all new admissions to the county, or only those with less than 12 months' worth of resources (which is how I've drafted this). Also, for what purpose is the C-BRF referring the person to the county department? For a functional assessment?

2. The instructions ask for inclusion of language that specifies that a person for whom the county waives the assessment requirement would be eligible for COP, COP-W or CIP II. Isn't that the purpose of the waiver? In other words, a person who has not received an assessment is ineligible for COP, etc., unless the county waives that requirement. Because the instructions seemed redundant, I did not include the additional language requested.

3. The department indicated that the changes were to apply to new admissions beginning on July 1, 1999. Since it is unlikely that the budget bill will pass before that date, I have instead referred to the general effective date of the budget. OK?

4. This draft requires that the "guidelines" for waiving the preadmission functional assessment be promulgated by the department by rule. OK?

Tina A. Yacker  
Legislative Attorney  
261-6927

**CORRESPONDENCE MEMORANDUM****STATE OF WISCONSIN  
Department of Administration**

**Date:** November 27, 1998

**To:** Tina A. Yacker, Legislative Attorney  
Legislative Reference Bureau

**From:** Gretchen A. Fossum, Budget Analyst *GAF*  
State Budget Office

**Subject:** LRB Draft 0327/P1, Assessments in CBRFs

You are correct. The drafting instructions submitted by the Department of Health and Family Services (DHFS) were confusing.

Here is a little background on the request. 1995 Act 27 contained a provision that limited the amount of COP, COP-W and CIP II funds a county could use for services in CBRFs to 25% of the county's allocation. The intent of this provision was to have COP and CIP funds directed towards community care, rather than institutional care.

Due to county and political concerns regarding the 25% limitation, a compromise was reached by DHFS and the other parties. As a result, 1997 WI Act 27 repealed the 25% limitation and created s. 46.27(7)(c), s. 46.27(11)(c)5m. and 5n., and 46.277(5)(d)1m. and 1n.

The provision under s. 46.27(7)(c) 3.a., s. 46.27(11)(c)5n.a. and s. 46.277(5)(d)1n.a. which requires a completed assessment under s. 46.27(6) before the individual is admitted to the CBRF has created workload and financial problems (assessment cost) for counties. S. 46.27(6) requires a full assessment, including the functional screen, which may not be needed for all individuals admitted to CBRFs.

After discussing the drafting instructions with DHFS staff, please make the following changes to LRB draft 0327/P1:

1. Allow counties to waive the assessment under circumstances which will be set by department guidelines (for example, emergency placements which a county has no prior knowledge of). The guidelines will be included in the department COP and waiver procedures so that no rule promulgation is needed.
2. If the assessment is waived require a face to face discussion between the individual (or his guardian) and the county representative concerning the cost effectiveness of service options.
3. The effective date of the change is to be January 1, 1999<sup>2000</sup> to give the department the time needed to implement the change.
4. Maintain the current 24 months under s. 50.035(7)(c). The intent of the other change in s. 50.035(7)(c) is to ensure that when a CBRF knows in advance about an admission to the facility, that the facility notifies the county so that the county can schedule an assessment prior to admission.

I hope this helps clear up the confusion. If you have any questions, please contact me at 266-2288.



(5001)  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

LRB-0327/01  
TAY:cmh&kmg:jf  
stage 9  
RMR

DOA:.....Fossum – Assessments of COP or other eligibility prior to C-BRF admission

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT <sup>- done for cat</sup> ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

The community options program (commonly referred to as COP) and the community integration program (commonly referred to as CIP) are programs administered by counties to provide public funding for long-term care services for individuals in settings other than institutional settings. Under current law, a county may not use COP or CIP funds to provide services to an individual who resides in a community-based residential facility unless, prior to admission to the community-based residential facility, the individual has received an assessment of the individual's functional abilities, disabilities and need for medical and social long-term community support services.

Current law also requires a community-based residential facility, prior to admitting an individual, to prepare a statement of financial condition for the individual if the individual intends to pay for residence in the facility from private funds. The statement of financial condition must estimate a date, if any, by which the individual's assets and other private funding would be depleted if the individual were to reside continuously in the community-based residential facility. If that date is less than 24 months after the date of the statement of financial condition, the



In addition, under the bill, (1)

in accordance with guidelines established by the department of health and family services (DHFS)

community-based residential facility must provide the statement to the county department of social services.

This bill allows a county, with certain exceptions, to waive the requirement that an individual receive a functional assessment prior to admission to the community-based residential facility. The bill also requires a community-based residential facility to provide the statement of financial condition to the county department of social services if the estimated date of asset and private funding depletion is less than 12 months, rather than less than 24 months, after the date of the statement of financial condition. Finally, if an individual applies for admission to the community-based residential facility on or after the date that this bill becomes law and the individual's statement of financial condition indicates that, if the individual were to reside in the community-based residential facility, his or her assets and other private funds would be depleted within 12 (24) months, a community-based residential facility is required under the bill to refer him or her to the county department of human services. To determine whether an assessment should be conducted

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

be

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

1 SECTION 1. 46.27 (7) (c) 3. a. of the statutes is amended to read:

2 46.27 (7) (c) 3. a. An assessment under sub. (6) has been completed for the  
3 person prior to the person's admission to the community-based residential facility,  
4 whether or not the person is a private pay admittee at the time of admission. The

5 county may waive this condition in accordance with <sup>guidelines established</sup> ~~rules promulgated~~ by the  
6 department. However, the county may not waive this condition for a person who  
7 applies for residency at a community-based residential facility on or after the  
8 effective date of this subd. 3. a. .... [revisor inserts date], if the date estimated by the  
9 community-based residential facility under s. 50.035 (7) (a) 2. is less than 12 months  
10 after the date of the individual's statement of financial condition under s. 50.035 (7)  
11 (a).

12 SECTION 2. 46.27 (11) (c) 5n. a. of the statutes is amended to read:

if the county <sup>t</sup> waives this condition, the county must meet with the person or the person's guardian to discuss the cost-effectiveness of various service options.

1           46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the  
 2 person prior to the person's admission to the community-based residential facility,  
 3 whether or not the person is a private pay admittee at the time of admission. The  
 4 county may waive this condition in accordance with <sup>guidelines established</sup> ~~rules promulgated~~ by the  
 5 department. However, the county may not waive this condition for a person who  
 6 applies for residency at a community-based residential facility on or after the  
 7 effective date of this subd. 5n. a. .... [revisor inserts date], if the date estimated by the  
 8 community-based residential facility under s. 50.035 (7) (a) 2. is less than 12 months  
 9 after the date of the individual's statement of financial condition under s. 50.035 (7)  
 10 (a).

11           **SECTION 3.** 46.277 (5) (d) 1n. a. of the statutes is amended to read:

12           46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for  
 13 the person prior to the person's admission to the community-based residential  
 14 facility, whether or not the person is a private pay admittee at the time of admission.  
 15 The county may waive this condition in accordance with <sup>guidelines established</sup> ~~rules promulgated~~ by the  
 16 department. However, the county may not waive this condition for a person who  
 17 applies for residency at a community-based residential facility on or after the  
 18 effective date of this subd. 1n. a. .... [revisor inserts date], if the date estimated by the  
 19 community-based residential facility under s. 50.035 (7) (a) 2. is less than 12 months  
 20 after the date of the individual's statement of financial condition under s. 50.035 (7)  
 21 (a).

22           **SECTION 4.** 50.035 (7) (c) of the statutes is amended to read:

23           50.035 (7) (c) If the date estimated under par. (a) 2. is less than <sup>24</sup> ~~12~~ months  
 24 after the date of the individual's statement of financial condition, the  
 25 community-based residential facility shall provide the statement to the county

*IF the county waives this condition, the county must meet with the person  
 or the person's guardian to discuss the cost-effectiveness of various service  
 options.*

1 department under s. 46.215 or 46.22 and shall refer the potential resident to the  
2 county department.

*to determine whether an assessment under s. 46.27(6) should be conducted*

3 **SECTION 9323. Initial applicability; health and family services.**

*Auto Ref A*

4 (1) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS. The treatment of  
5 section 50.035 (7) (c) of the statutes first applies to applications for admission to a  
6 community-based residential facility made on the effective date of this subsection.

7

(END)

(S)

(B)

*CS*  
SECTION 9423. Effective date; health and family services.

*CS*  
(#) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS.

The treatment of sections 46.27(7)(c) 3.a. and (11)(c) 5.a.,  
and 46.277(5)(a) 1.a. of the statutes take effect on  
January 1, 2000.

(CS)

SECTION

*Auto Ref A*

and 9323 (1) of this act



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0327/1  
TAY:cmh&kmg:jf

DOA:.....Fossum - Assessments of COP or other eligibility prior to C-BRF admission

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

The community options program (commonly referred to as COP) and the community integration program (commonly referred to as CIP) are programs administered by counties to provide public funding for long-term care services for individuals in settings other than institutional settings. Under current law, a county may not use COP or CIP funds to provide services to an individual who resides in a community-based residential facility unless, prior to admission to the community-based residential facility, the individual has received an assessment of the individual's functional abilities, disabilities and need for medical and social long-term community support services.

Current law also requires a community-based residential facility, prior to admitting an individual, to prepare a statement of financial condition for the individual if the individual intends to pay for residence in the facility from private funds. The statement of financial condition must estimate a date, if any, by which the individual's assets and other private funding would be depleted if the individual were to reside continuously in the community-based residential facility. If that date is less than 24 months after the date of the statement of financial condition, the

community-based residential facility must provide the statement to the county department of social services.

This bill allows a county, in accordance with guidelines established by the department of health and family services (DHFS), to waive the requirement that an individual receive a functional assessment prior to admission to the community-based residential facility. In addition, under the bill, if an individual applies for admission to the community-based residential facility on or after the date that this bill becomes law and the individual's statement of financial condition indicates that, if the individual were to reside in the community-based residential facility, his or her assets and other private funds would be depleted within 12 months, a community-based residential facility is required under the bill to refer him or her to the county department of human services to determine whether an assessment should be conducted.

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.** 46.27 (7) (cj) 3. a. of the statutes is amended to read:

2           46.27 (7) (cj) 3. a. An assessment under sub. (6) has been completed for the  
3 person prior to the person's admission to the community-based residential facility,  
4 whether or not the person is a private pay admittee at the time of admission. The  
5 county may waive this condition in accordance with guidelines established by the  
6 department. If the county waives this condition, the county must meet with the  
7 person or the person's guardian to discuss the cost-effectiveness of various service  
8 options.

9           **SECTION 2.** 46.27 (11) (c) 5n. a. of the statutes is amended to read:

10          46.27 (11) (c) 5n. a. An assessment under sub. (6) has been completed for the  
11 person prior to the person's admission to the community-based residential facility,  
12 whether or not the person is a private pay admittee at the time of admission. The  
13 county may waive this condition in accordance with guidelines established by the  
14 department. If the county waives this condition, the county must meet with the

1 person or the person's guardian to discuss the cost-effectiveness of various service  
2 options.

3 **SECTION 3.** 46.277 (5) (d) 1n. a. of the statutes is amended to read:

4 46.277 (5) (d) 1n. a. An assessment under s. 46.27 (6) has been completed for  
5 the person prior to the person's admission to the community-based residential  
6 facility, whether or not the person is a private pay admittee at the time of admission.  
7 The county may waive this condition in accordance with guidelines established by  
8 the department. If the county waives this condition, the county must meet with the  
9 person or the person's guardian to discuss the cost-effectiveness of various service  
10 options.

11 **SECTION 4.** 50.035 (7) (c) of the statutes is amended to read:

12 50.035 (7) (c) If the date estimated under par. (a) 2. is less than 24 months after  
13 the date of the individual's statement of financial condition, the community-based  
14 residential facility shall provide the statement to the county department under s.  
15 46.215 or 46.22 and shall refer the potential resident to the county department to  
16 determine whether an assessment under s. 46.27 (6) should be conducted.

17 **SECTION 9323. Initial applicability; health and family services.**

18 (1) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS. The treatment of  
19 section 50.035 (7) (c) of the statutes first applies to applications for admission to a  
20 community-based residential facility made on the effective date of this subsection.

21 **SECTION 9423. Effective dates; health and family services.**

22 (1) COMMUNITY-BASED RESIDENTIAL FACILITY CLIENT REFERRALS. The treatment of  
23 sections 46.27 (7) (cj) 3. a. and (11) (c) 5n. a., 46.277 (5) (d) 1n. a. and 50.035 (7) (c)  
24 of the statutes and SECTION 9323 (1) of this act take effect on January 1, 2000.

25 (END)