

6/28/99 7:42:16 AM

Page 1

**1999 DRAFTING REQUEST****Assembly Amendment (AA-ASA1-AB133)**Received: **06/22/99**Received By: **kenneda**Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus 266-1452**By/Representing: **Tompach**This file may be shown to any legislator: **NO**Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - long-term care**Extra Copies: **TAY****Pre Topic:**

ARC:.....Tompach - Am #102,

**Topic:**

Make financial assessments voluntary under Family Care; prohibit denial of care for refusal to submit to financial assessment

**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>
/1	kenneda 06/22/99	ygeller 06/23/99	jfrantze 06/23/99	_____	lrb_docadmin 06/23/99		
/2	kenneda 06/26/99	ygeller 06/26/99	kfollet 06/26/99	_____	lrb_docadmin 06/26/99		
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FE Sent For:

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FE Sent For:		13 6/27 jg	Kjf 6/27	Kjf/sh 6/27			

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1/2 6/26 JG  
 KJF 6/26  
 KJF/SH 6/26  
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Extra Copies: TAY

Pre Topic:

ARC:.....Tompach - Am ~~102~~ <sup>#</sup> 102 <sup>3</sup>

Topic:

Make financial assessments voluntary under Family Care; prohibit denial of care for refusal to submit to financial assessment

Instructions:

See Attached

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1/?	kenneda	1 6/23 jlg	6/23	Jme 6/23			

FE Sent For:

<END>

# To Be Drafted

DAK  
ARC

Agency

Amendment#

ARC Analyst

LRB#

60875

Tax Cut

## Summary

Under current law, private pay individuals wishing to live in a CBRF must submit to a financial assessment (COP assessment) by the county, otherwise they forfeit their ability to receive this public funding in the future.

Under current Family Care provisions in the budget, resource centers are required to provide a functional and financial screen to anyone seeking admission to a nursing home, CBRF, adult family home or residential care apartment complex.

The amendment clarifies that financial assessments are voluntary for private pay individuals seeking admission into any of these facilities. Further, no entity can deny long term care aid to a person who previously elected not to submit to a financial assessment. Delete all statutory language that allows a government entity or resource center to require an assessment for private pay individuals. This amendment does not interfere with current law mandating that CBRFs notify the county of a resident who is within 24 months of depleting their assets and other private funding sources.

## Fiscal Impact

No state fiscal impact

## Statement of Intent

DHFS. Protection of privacy rights of elderly and disabled individuals



SOON - In edit 6/22  
State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0875/1  
DAK...:....

WFO-Fix  
request sheet

D-NOTE

Jlg

ARC:.....Tompach - Am ~~111~~ <sup>#</sup> ~~111~~ <sup>1</sup> 102 Make financial assessments voluntary under Family Care; prohibit denial of care for refusal to submit to financial assessment

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment<sup>✓</sup> as follows:

2 1. Page 569, line 25: delete "whether or not the person is a private pay  
3 admittee at the time of admission" and substitute "~~whether or not the person is a~~  
4 private pay admittee at the time of admission except that a person seeking admission  
5 or about to be admitted on a private pay basis may waive the assessment, unless the  
6 person will be eligible for medical assistance within 6 months of assessment".

7 → INSERT A (from next page)  
2. Page 574, line 23: delete "whether or not the person is a private pay

8 admittee at the time of admission" and substitute "~~whether or not the person is a~~  
9 private pay admittee at the time of admission except that a person seeking admission

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2 person will be eligible for medical assistance within 6 months of assessment.

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6 to be admitted on a private pay basis may waive the assessment, unless the person  
7 will be eligible for medical assistance within 6 months of assessment".

8 **4.** Page 594, line 9: after "supervision." insert "A person seeking admission or  
9 about to be admitted on a private pay basis may waive the requirement for a financial  
10 screen under this paragraph, unless the person will be eligible for medical assistance  
11 within 6 months after performance of the financial screen."

12 **5.** Page 570, line 4: after that line insert:

13 "SECTION 1045g. 46.27 (7) (cL) of the statutes is created to read:

14 46.27 (7) (cL) No county department or aging unit may deny services to a  
15 person under par. (cj) who refused to have an assessment completed as required  
16 under par. (cj) 3. a. before the effective date of this paragraph [revisor inserts date]."

17 **6.** Page 574, line 8: after that line insert:

18 "SECTION 1056r. 46.27 (11) (c) 5g. of the statutes is created to read:

19 46.27 (11) (c) 5g. No county department or aging unit may deny services to  
20 a person under subd. 5n. who refused to have an assessment completed as required  
21 under subd. 5n. a. before the effective date of this subdivision [revisor inserts date]."  
22

(END)

D-NOTE

INSERT  
A →  
14  
15  
16  
17  
18  
19  
20  
21  
22  
NOTE TO  
PREVIOUS  
PAGE

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

LRBb0875/1dn

DAK.....

jlq

To Matt Tompach:

Please review this amendment very carefully to ensure that it meets your intent. I fashioned the amendment after provisions currently under ss. 46.27 (6) (a) 2. c. ✓ and 46.271 (2m) (c) 2. ✓ which permit private pay individuals to waive assessment if they will be eligible for medical assistance within 6 months of assessment. Okay?

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

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

LRBb0875/1dn  
DAK;jlg:jf

June 23, 1999

To Matt Tompach:

Please review this amendment very carefully to ensure that it meets your intent. I fashioned the amendment after provisions currently under ss. 46.27 (6) (a) 2. c., and 46.271 (2m) (c) 2., which permit private pay individuals to waive assessment if they will be eligible for medical assistance within 6 months of assessment. Okay?

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

From Richard Mague:

Change resource center language from person's  
request to that of res. center  
Put in referral - CBRE language

SOON - Inedit 6/26

ARC:.....Tompach – Am #102, Make financial assessments voluntary under Family Care; prohibit denial of care for refusal to submit to financial assessment

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3 under par. (cj) 3. a. before the effective date of this paragraph .... [revisor inserts  
4 date].”

5           **3.** Page 574, line 8: after that line insert:

6           “SECTION 1056r. 46.27 (11) (c) 5q. of the statutes is created to read:

7           46.27 (11) (c) 5q. No county department or aging unit may deny services to a  
8 person under subd. 5n. who refused to have an assessment completed as required  
9 under subd. 5n. a. before the effective date of this subdivision .... [revisor inserts  
10 date].”

11           **4.** Page 574, line 23: delete “whether or not the person is a private pay  
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13 ~~private pay admittee at the time of admission.~~ except that a person seeking  
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19 ~~admittee at the time of admission.~~ except that a person seeking admission or about  
20 to be admitted on a private pay basis may waive the assessment, unless the person  
21 will be eligible for medical assistance within 6 months of assessment.”.

(22)           **6.** Page 594, line 9: after “supervision.” insert “A person seeking admission or  
(23) about to be admitted on a private pay basis ~~may~~ <sup>who</sup> waive <sup>the</sup> requirement for a financial

who

resource center need not  
provide a financial screen  
for a

1 screen under this paragraph, unless the person will be eligible for medical assistance  
2 within 6 months after performance of the financial screen."

3 (END)

move

#. Page 745, line 25: after that line insert:

text:  
treat (d) For performance of a financial screen, the person, if seeking admission or about to be admitted on a private pay basis, waives the requirement, unless the person will be eligible for medical assistance within 6 months after performance of the financial screen."

under  
s. 46.283  
(4)(g) ✓

SOON - In edit 6/26

1999 - 2000 LEGISLATURE

LRBb0875/3

DAK:jlg:kf

D-NOTE

ARC:.....Tompach – Am #102, Make financial assessments voluntary under Family Care; prohibit denial of care for refusal to submit to financial assessment

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21 will be eligible for medical assistance within 6 months of assessment.”.

22           **6.** Page 594, line 9: after “supervision.” insert “A resource center need not  
23 provide a financial screen for a person seeking admission or about to be admitted on  
24 a private pay basis who waives the requirement for a financial screen under this

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen.”.

✓  
INSERT  
3-2

3 7. Page 745, line 25: after that line insert:

4 “(d) For performance of a financial screen, the person, if seeking admission or  
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283

6 (4) (g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen.”.

✓  
INSERT  
3-7

8 (END)

D-NOTE

P. 18  
2

742 ✓

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen.

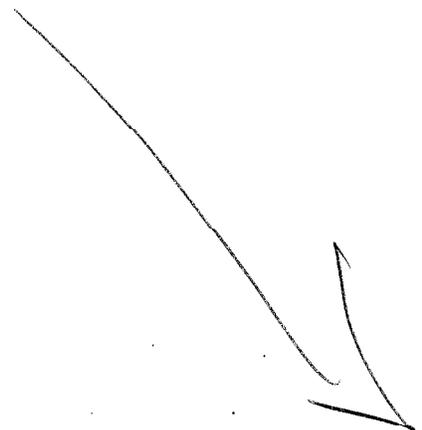
12 ✓

3 7. Page 745, line 25: after that line insert:

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5 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
6 (4) (g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen."

8

~~46.283~~



p. 2 of 2

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen.”

3 7. Page 745, line 25: after that line insert: (743) ✓ (11) ✓

4 “(d) For performance of a financial screen, the person, if seeking admission or  
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
6 (4) (g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen.”

8

~~END~~

End of INS 3-2

INSERT 3-7

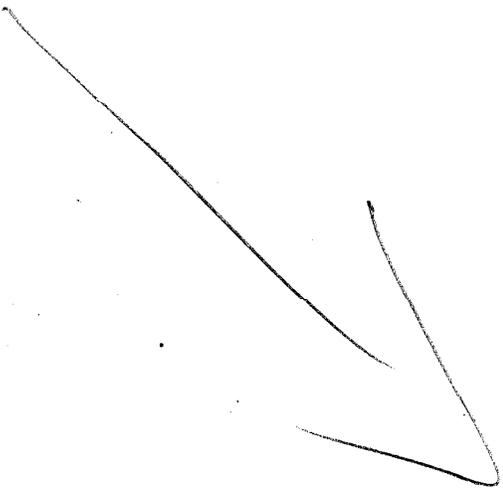
p-1072

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen.”

3 7. Page 748, line 25: after that line insert:

4 (4) For performance of a financial screen, the person, if seeking admission or  
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
6 (4) (g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen.”

8 (END)



INSERT ~~3-7~~ - 7

p. 2 of 2

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen."

749

17

individual  
who  
consents

3 7. Page 755, line 25: after that line insert

"(1)"

4 "(1) For performance of a financial screen, the person, if seeking admission or  
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
6 (4) (g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen?"

may waive

if the  
individual  
is

for the  
individual

End of  
INSERT  
~~187~~  
3-7

D-NOTE

To Matt Sande:

as we discussed,

This redraft adds nursing homes, adult family

homes and residential care apartment complexes to

the facilities for admission to which a private

pay individual may waive the financial

screen by resource centers under Family Care.

DAK

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

LRBb0875/3dn  
DAK:jlg:kjf

June 27, 1999

To Matt Sande:

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



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0875/3  
DAK:jlg:kjf

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22           **6.** Page 594, line 9: after “supervision.” insert “A resource center need not  
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24 a private pay basis who waives the requirement for a financial screen under this

1 paragraph, unless the person will be eligible for medical assistance within 6 months  
2 after performance of the financial screen.”.

3 **7.** Page 742, line 12: after that line insert:

4 “(d) For performance of a financial screen, the person, if seeking admission or  
5 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
6 (4)(g), unless the person will be eligible for medical assistance within 6 months after  
7 performance of the financial screen.”.

8 **8.** Page 743, line 11: after that line insert:

9 “(d) For performance of a financial screen, the person, if seeking admission or  
10 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
11 (4)(g), unless the person will be eligible for medical assistance within 6 months after  
12 performance of the financial screen.”.

13 **9.** Page 745, line 25: after that line insert:

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16 (4)(g), unless the person will be eligible for medical assistance within 6 months after  
17 performance of the financial screen.”.

18 **10.** Page 748, line 18: after that line insert:

19 “4. For performance of a financial screen, the person, if seeking admission or  
20 about to be admitted on a private pay basis, waives the requirement under s. 46.283  
21 (4)(g), unless the person will be eligible for medical assistance within 6 months after  
22 performance of the financial screen.”.

23 **11.** Page 749, line 17: after “(1)” insert “. For performance of a financial screen,  
24 the individual who consents, if seeking admission for the individual or if the”.

1 individual is about to be admitted on a private pay basis, may waive the requirement  
2 under s. 46.283 (4) (g), unless the person will be eligible for medical assistance within  
3 6 months after performance of the financial screen”.

4 (END)