

2001 DRAFTING REQUEST

Bill

Received: 09/08/2000

Received By: **kenneda**

Wanted: As time permits

Identical to LRB:

For: **Administration-Budget 266-2288**

By/Representing: **Fossum**

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

Drafter: **kenneda**

May Contact: **DHFS**

Alt. Drafters:

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

Extra Copies: **ISR**

Pre Topic:

DOA:.....Fossum -

Topic:

Family care district

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 09/25/2000	hhagen 09/25/2000		_____			S&L
/1			pgreensl 09/27/2000	_____	gretskl 09/27/2000		S&L
/2	kenneda 02/07/2001	hhagen 02/07/2001	pgreensl 02/07/2001	_____	lrb docadmin 02/07/2001		

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1?	kenneda	11 hmb 9/25/00	9/26 PS	9/27 PS/ KF			
		1 jld 9/25					

FE Sent For:

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Title: Family Care District – Changes Limiting Ongoing County Influence

Current Language

46.281 Powers and duties of the department and the secretary; long-term care. (1) DUTIES OF THE DEPARTMENT. The department shall do all of the following:

(a) Provide training to members of the council on long-term care who are aged 65 or older or who have physical or developmental disabilities or their family members, guardians or other advocates, to enable these members to participate in the council's duties.

(b) Provide information to the council on long-term care, including copies of reports submitted to the department by local long-term care councils, and seek recommendations of the council.

(c) Request from the secretary of the federal department of health and human services any waivers of federal medicaid laws necessary to permit the use of federal moneys to provide the family care benefit to recipients of medical assistance. The department shall implement any waiver that is approved and that is consistent with ss. 46.2805 to 46.2895. Regardless of whether a waiver is approved, the department may implement operation of resource centers, care management organizations and the family care benefit.

(d) Before July 1, 2001: 1. Establish, in geographic areas in which resides no more than 29% of the population that is eligible for the family care benefit, a pilot project under which the department may contract with a county, a family care district, a tribe or band or the Great Lakes inter-tribal council, inc., or with any 2 or more of these entities under a joint application, to operate a resource center.

2. In geographic areas in which resides no more than 29% of the population that is eligible for the family care benefit, contract with counties or tribes or bands under a pilot project to demonstrate the ability of counties or tribes or bands to manage all long-term care programs and administer the family care benefit as care management organizations.

(e) After June 30, 2001, if the local long-term care council for the applicable area has developed the initial plan under s. 46.282 (3) (a) 1., contract with entities specified under par. (d) and, only if specifically authorized by the legislature and if the legislature appropriates necessary funding, contract as so authorized with one or more entities in addition to those specified in par. (d) certified as meeting requirements under s. 46.284 (3) for services of the entity as a care management organization and one or more entities for services specified under s. 46.283 (3) and (4).

(f) Prescribe and implement a per person monthly rate structure for costs of the family care benefit.

(g) In order to maintain continuous quality assurance and quality improvement for resource centers and care management organizations, do all of the following:

1. Prescribe by rule and by contract and enforce performance standards for operation of resource centers and care management organizations.
2. Use performance expectations that are related to outcomes for persons in contracting with care management organizations and resource centers.
3. Conduct ongoing evaluations of the long-term care system specified in ss. 46.2805 to 46.2895.
4. Require that quality assurance and quality improvement efforts be included throughout the long-term care system specified in ss. 46.2805 to 46.2895.
5. Ensure that reviews of the quality of management and service delivery of resource centers and care management organizations are conducted by external organizations and make information about specific review results available to the public.
 - (h) Require by contract that resource centers and care management organizations establish procedures under which an individual who applies for or receives the family care benefit may register a complaint or grievance and procedures for resolving complaints and grievances.
 - (i) Prescribe criteria to assign priority equitably on any necessary waiting lists for persons who are eligible for the family care benefit but who do not meet the criteria under s. 46.286 (3).

46.282 Councils on long-term care.

(3) LOCAL LONG-TERM CARE COUNCILS; POWERS AND DUTIES. (a) A local long-term care council shall do all of the following within the council's area:

1. Develop the initial plan for the structure of the county, multicounty or tribal resource center and care management organization or organizations, including formulating recommendations to the county board or boards of supervisors and, in a county with a county executive or a county administrator, to the county executive or county administrator, to the governing body of the tribe or band or of the Great Lakes inter-tribal council, inc., if applicable, and to the department on all of the following:
 - a. Whether or not the county, counties, tribe or band or Great Lakes inter-tribal council, inc., should exercise its right to apply under s. 46.283 (1) for a contract to operate a resource center or to apply under s. 46.284 (1) for a contract to operate a care management organization and how the operation should proceed.
 - b. Whether the county should create a family care district to operate a resource center or under a care management organization.

46.2895 Family care district. (1) CREATION. (a) After considering recommendations of the local long-term care council under s. 46.282 (3) (a) 1., a county board of supervisors may create a special purpose district that is termed a "family care district", that is a local unit of government, that is separate and distinct from, and independent of, the state and the county, and that has the powers and duties specified in this section, if the county board does all of the following:

1. Adopts an enabling resolution that does all of the following:
 - a. Declares the need for establishing the family care district.
 - b. Specifies the family care district's primary purpose, which shall be to operate, under contract with the department, either a resource center under s. 46.283 or a care management organization under s. 46.284, but not both.

2. Files copies of the enabling resolution with the secretary of administration, the secretary of health and family services and the secretary of revenue.

(b) The county boards of supervisors of 2 or more counties may together create a family care district with the attributes specified in par. (a) (intro.) on a multi-county basis within the counties if the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

(2) JURISDICTION. A family care district's jurisdiction is the geographical area of the county or counties of the county board or boards of supervisors who created the family care district.

(3) FAMILY CARE DISTRICT BOARD. (a) 1. The county board of supervisors of a county or, in a county with a county administrator or county executive, the county administrator or county executive shall appoint the members of the family care district board, which is the governing board of a family care district under sub. (1) (a).

2. The county boards of supervisors of 2 or more counties shall appoint the members of the family care district board, which is the governing board of the family care district under sub. (1) (b). Each county board shall appoint members in the same proportion that the county's population represents to the total population of all of the counties that constitute the jurisdiction of the family care district.

(b) 1. The family care district board appointed under par. (a) 1. shall consist of 15 persons who are residents of the area of jurisdiction of the family care district. At least one-fourth of the members shall be representative of the client group or groups whom it is the family care district's primary purpose to serve or those clients' family members, guardians or other advocates.

2. The family care district board appointed under par. (a) 2. shall consist of an odd number of members that is at least 15 but not more than 21 persons, all of whom are residents of the area of jurisdiction of the family care district. At least one-fourth of the members shall be representative of the client group or groups whom it is the family care district's primary purpose to serve or those clients' family members, guardians or other advocates.

3. Membership of the family care district board under subd. 1. or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the family care district. Up to one-fourth of the members of the board may be elected or appointed officials or employees of the county or counties that created the family care district. No member of the board may have a private financial interest in or profit directly or indirectly from any contract or other business of the family care district.

(c) The members of the family care district board appointed under par. (a) shall serve 3-year terms. No member may serve more than 2 consecutive terms. Of the members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder, shall be appointed for 5 years. A member shall serve until his or her successor is appointed, unless removed for cause under s. 17.13.

(d) As soon as possible after the appointment of the initial members of the family care district board, the board shall organize for the transaction of business and elect a chairperson and other necessary officers. Each chairperson shall be elected by the board from time to time for the term of that chairperson's office as a member of the board or for the term of 3 years, whichever is shorter, and shall be eligible for reelection. A majority of the board shall constitute a quorum. The board may act based on the affirmative vote of a majority of a quorum.

Proposed Change

HL 281 (3)(b)

46.281(1)(j) is created to read:

D. NOTE

(j) Review the list of proposed initial members of a family care district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local long term care council under s. 46.2895 (1) (a) 2. c., and either approve or disapprove the proposed membership.

46.282 (3) (a) ~~1. b.~~ ^{lm.} is amended to read:

b. Whether the county should create a family care district to operate a resource center or under a care management organization, and review the list of proposed initial members of the family care district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary of health and family services whether to approve or disapprove the proposed membership.

46.2895 (1) (a) is amended to read:

46.2895 Family care district. (1) CREATION. (a) After considering recommendations of the local long-term care council under s. 46.282 (3) (a) 1., and with approval of the secretary of health and family services, a county board of supervisors may create a special purpose district that is termed a "family care district", that is a local unit of government, that is separate and distinct from, and independent of, the state and the county, and that has the powers and duties specified in this section, if the county board does all of the following:

46.2895 (1) (a) 2. is amended to read:

2. Files ~~copies of the enabling resolution~~ with the secretary of administration, the secretary of health and family services and the secretary of revenue, copies of:

46.2895 (1) (a) 2. a. is created to read:

a. The enabling resolution under s. ~~46.2895 (1) (a)~~ ^{subd.} 1.

46.2895 (1) (a) 2. b. is created to read:

b. A list of the names and addresses of the proposed initial members of the family care district board under s. ~~46.2895 (3)~~ ^{sub.}

46.2895 (1) (a) 2. c. is created to read:

c. Recommendations of the local long term care council ^{under s. 46.282 (3) (a) lm} ~~created under s. 46.282 (2)~~ related to the proposed initial members under subpar. b.

46.2895 (3) (a) 1. is amended to read:

(3) FAMILY CARE DISTRICT BOARD. (a) 1. The county board of supervisors of a county or, in a county with a county administrator or county executive, the county administrator or county executive shall, with approval of the secretary of health and family services, appoint the initial members of the family care district board, which is the governing board of a family care district under sub. (1) (a).

46.2895 (3) (b) 3. is amended to read:

3. Membership of the family care district board under subd. 1. or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the family care district. ~~Up to~~ Less than one-fourth of the members of the board may be elected or appointed officials or employes of the

county or counties that created the family care district. No member of the board may have a private financial interest in or profit directly or indirectly from any contract or other business of the family care district.

46.2895 (3) (c) is amended to read:

(c) The initial members of the family care district board appointed under par. (a) shall serve 3-year terms. No member may serve more than 2 consecutive terms. Of the members first appointed, 5 shall be appointed for ~~3~~ 1 years; 5 shall be appointed for ~~4~~ 2 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder, shall be appointed for ~~5~~ 3 years. A member shall serve until his or her successor is appointed, unless removed for cause under s. 17.13.

46.2895 (3) (e) is created to read:

(e) The family care district board shall appoint successors to the ~~initial~~ members of the family care district board when an initial member's term expires or when a member is removed for cause under s. 17.13. ^{including the initial members appointed under par. (a)} _{if}

Effect of the Change

- In creating a Family Care District, a county board(s) is limited to appointing the initial members of the Family Care District board.
- The Local LTC Council reviews the proposed initial members of the district board, and recommends to the Secretary whether to approve or disapprove the proposed membership.
- The Secretary approves or disapproves the proposed initial members of district board.
- Length of terms of initial members of the board of a Family Care District are shortened.
- The board of a Family Care District fills any subsequent board vacancies.
- The number of elected or appointed officials or employees of the county that may be board members is limited to less than one-fourth of the members of the district board.

Rationale for the Change

The Health Care Financing Administration will not approve a Family Care waiver if it is not satisfied that there is sufficient separation of assessment for level of care eligibility and enrollment counseling and assistance in the Resource Center from the CMO or other major service providers to prevent conflict of interest. HCFA has indicated that it does not believe current statutory language creates enough separation of the Family Care District from the county board that creates a district to protect against such conflicts of interest if that county board appoints and reappoints the members of the district board. The changes are intended to make the Family Care District and means of separation that is acceptable to HCFA, and make that option available to Family Care pilots for addressing potential conflict of interest.

Desired Effective Date: Upon enactment
Agency: DHFS
Agency Contact: Charles Jones
Phone: 266-0991



SOON - In edit 9/25

State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0203/1

DAK...
hmk
&
jld

D-NOTE

DOA:.....Fossum - Family care district

FOR 2001-03 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

LONG-TERM CARE; FAMILY CARE

Currently, under family care, a program of financial assistance in providing long-term care and support items, a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care district. A family care district is a special purpose district that is organized to operate a family care resource center or a care management organization, but not both. The county board or county executive or county administrator, if any, also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21-member board. The lengths of appointment of the initial members of the family care district board, on a staggered basis, are specified. Up to one-fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long-term care council, which develops the initial county plan for the structure of the family care program in that county.

of supervisors

This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed

(secretary) ✓

appointments to the family care district board be first reviewed and approved by the secretary of health and family services. This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to the secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. Further, the bill decreases the initial lengths of appointment of initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees. (e)

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:

renumbered 46.281 (3) (intro.) and

1 Fix component

SECTION 1. 46.281 (3) of the statutes is amended to read:

2 46.281 (3) DUTY OF THE SECRETARY. The secretary shall certify do all of the
3 following:

4 (a) Certify to each county, hospital, nursing home, community-based
5 residential facility, adult family home, and residential care apartment complex the
6 date on which a resource center that serves the area of the county, hospital, nursing
7 home, community-based residential facility, adult family home, or residential care
8 apartment complex is first available to provide a functional and financial screen. To
9 facilitate phase-in of services of resource centers, the secretary may certify that the
10 resource center is available for specified groups of eligible individuals or for specified
11 facilities in the county.

History: 1999 a. 9.

12 SECTION 2. 46.281 (3) (b) of the statutes is created to read:

13 46.281 (3) (b) Review the list of proposed initial members of a family care
14 district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local

1 long-term care council under s. 46.2895 (1) (a) 2. c. and approve or disapprove the
2 proposed membership.

3 SECTION 3. 46.281 (3) (c) of the statutes is created to read:

4 46.281 (3) (c) Review and approve or disapprove the creation by a county board
5 of supervisors of a family care district under s. 46.2895 (1) (a).

6 SECTION 4. 46.282 (3) (a) 1. b. of the statutes is amended to read:

7 46.282 (3) (a) 1. b. Whether the county should create a family care district to
8 operate a resource center or under a care management organization.

History: 1999 a. 9.

9 SECTION 5. 46.282 (3) (a) 1m. of the statutes is created to read:

10 46.282 (3) (a) 1m. Review the list of proposed initial members of the family care
11 district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary approval
12 or disapproval of the proposed membership.

13 SECTION 6. 46.2895 (1) (a) (intro.) of the statutes is amended to read:

14 46.2895 (1) (a) (intro.) After considering recommendations of the local
15 long-term care council under s. 46.282 (3) (a) 1. and with approval of the secretary,
16 a county board of supervisors may create a special purpose district that is termed a
17 "family care district", that is a local unit of government, that is separate and distinct
18 from, and independent of, the state and the county, and that has the powers and
19 duties specified in this section, if the county board does all of the following:

History: 1999 a. 9, 185.

20 SECTION 7. 46.2895 (1) (a) 2. of the statutes is renumbered 46.2895 (1) (a) 2.
21 (intro.) and amended to read:

1 46.2895 (1) (a) 2. (intro.) Files ~~copies of the enabling resolution~~ with the
 2 secretary of administration, the secretary of health and family services and the
 3 secretary of revenue. copies of all of the following:

History: 1999 a. 9, 185.

4 **SECTION 8.** 46.2895 (1) (a) 2. a. to c. of the statutes are created to read:

5 46.2895 (1) (a) 2. a. The enabling resolution [✓] under subd. 1.

6 b. A list of the names and addresses of the proposed initial members of the
 7 family care district board under sub. (3).

8 c. Recommendations of the local long-term care council under s. 46.282 (3) (a)
 9 1m.

10 **SECTION 9.** 46.2895 (1) (b) of the statutes is amended to read:

11 46.2895 (1) (b) The county boards of supervisors of 2 or more counties may
 12 together, with the approval of the secretary, create a family care district with the
 13 attributes specified in par. (a) (intro.) on a multicounty basis within the counties if
 14 the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

History: 1999 a. 9, 185.

15 **SECTION 10.** 46.2895 (3) (a) 1. of the statutes is amended to read:

16 46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county
 17 with a county administrator or county executive, the county administrator or county
 18 executive shall, with the approval of the secretary, appoint the initial members of the
 19 family care district board, which is the governing board of a family care district under
 20 sub. (1) (a).

History: 1999 a. 9, 185.

21 **SECTION 11.** 46.2895 (3) (a) 2. of the statutes is amended to read:

22 46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,
 23 with the approval of the secretary, appoint the initial members of the family care
 24 district board, which is the governing board of the family care district under sub. (1)

1 (b). Each county board shall appoint members in the same proportion that the
2 county's population represents to the total population of all of the counties that
3 constitute the jurisdiction of the family care district.

History: 1999 a. 9, 185.

4 **SECTION 12.** 46.2895 (3) (b) 3. of the statutes is amended to read:

5 46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.
6 or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the
7 family care district. ~~Up to~~ [✓] Less than one-fourth of the members of the board may
8 be elected or appointed officials or employees of the county or counties that created
9 the family care district. No member of the board may have a private financial
10 interest in or profit directly or indirectly from any contract or other business of the
11 family care district.

History: 1999 a. 9, 185.

12 **SECTION 13.** 46.2895 (3) (c) of the statutes is amended to read:

13 46.2895 (3) (c) The initial members of the family care district board appointed
14 under par. (a) shall serve 3-year terms. No member may serve more than 2
15 consecutive terms. Of the members first appointed, 5 shall be appointed for 3 years
16 one year; 5 shall be appointed for ^{strikes space before + after 4} 4 2 years; and 5 or, in the case of a board appointed
17 under par. (b) 2., the remainder, shall be appointed for 5 3 years. A member shall
18 serve until his or her successor is appointed, unless removed for cause under s. 17.13.

History: 1999 a. 9, 185.

19 **SECTION 14.** 46.2895 (3) (e) of the statutes is created to read:

20 46.2895 (3) (e) The family care district board shall appoint a successor to a
21 member of the family care district board, including an initial member appointed
22 under par. (a), when a member's term expires or if a member is removed for cause
23 under [✓] s. 17.13.

24 **SECTION 15.** 50.033 (2t) of the statutes is amended to read:

1 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
2 has certified under s. 46.281 (3) (a) that a resource center is available for the adult
3 family home and for specified groups of eligible individuals that include those
4 persons seeking admission to or the residents of the adult family home.

History: 1993 a. 327; 1995 a. 27; 1997 a. 27; 1999 a. 9.

5 **SECTION 16.** 50.034 (5p) of the statutes is amended to read:

6 50.034 (5p) APPLICABILITY. Subsections (5m) and (5n) apply only if the secretary
7 has certified under s. 46.281 (3) (a) that a resource center is available for the
8 residential care apartment complex and for specified groups of eligible individuals
9 that include those persons seeking admission to or the residents of the residential
10 care apartment complex.

History: 1995 a. 27; 1997 a. 13, 252; 1999 a. 9, 63, 185.

11 **SECTION 17.** 50.035 (4p) of the statutes is amended to read:

12 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
13 has certified under s. 46.281 (3) (a) that a resource center is available for the
14 community-based residential facility and for specified groups of eligible individuals
15 that include those persons seeking admission to or the residents of the
16 community-based residential facility.

History: 1983 a. 363; 1985 a. 176; 1987 a. 403 ss. 67, 236; 1989 a. 336; 1991 a. 39; 1995 a. 27 ss. 3235 to 3237, 9116 (5); 1997 a. 27, 114, 237; 1999 a. 9, 32, 103, 186.

17 **SECTION 18.** 50.04 (2i) of the statutes is amended to read:

18 50.04 (2i) APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
19 has certified under s. 46.281 (3) (a) that a resource center is available for the nursing
20 home and for specified groups of eligible individuals that include those persons
21 seeking admission to or the residents of the nursing home.

History: 1977 c. 170 ss. 6, 29; 1977 c. 272; 1979 c. 34; 1981 c. 20, 121, 317, 391; 1983 a. 27 s. 2200 (1); 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (7); 1987 a. 27, 127, 399; 1989 a. 31, 336; 1991 a. 39, 269, 315; 1995 a. 27, 1997 a. 27, 114, 237, 252, 280; 1999 a. 9, 32, 103.

22 **SECTION 19.** 50.04 (2m) (b) of the statutes is amended to read:

1 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
2 secretary has certified under s. 46.281 (3) (a) that a resource center is available.

History: 1977 c. 170 ss. 6, 29; 1977 c. 272; 1979 c. 34; 1981 c. 20, 121, 317, 391; 1983 a. 27 s. 2200 (1); 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (7); 1987 a. 27, 127, 399; 1989 a. 31, 336; 1991 a. 39, 269, 315; 1995 a. 27; 1997 a. 27, 114, 237, 252, 280; 1999 a. 9, 32, 103.

3 **SECTION 20.** 50.06 (7) of the statutes is amended to read:

4 50.06 (7) An individual who consents to an admission under this section may
5 request that an assessment be conducted for the incapacitated individual under the
6 long-term support community options program under s. 46.27 (6) or, if the secretary
7 has certified under s. 46.281 (3) (a) that a resource center is available for the
8 individual, a functional and financial screen to determine eligibility for the family
9 care benefit under s. 46.286 (1). If admission is sought on behalf of the incapacitated
10 individual or if the incapacitated individual is about to be admitted on a private pay
11 basis, the individual who consents to the admission may waive the requirement for
12 a financial screen under s. 46.283 (4) (g), unless the incapacitated individual is
13 expected to become eligible for medical assistance within 6 months.

History: 1993 a. 187; 1999 a. 9.

14 **SECTION 21.** 50.36 (2) (c) of the statutes is amended to read:

15 50.36 (2) (c) The department shall promulgate rules that require that a
16 hospital, before discharging a patient who is aged 65 or older or who has
17 developmental disability or physical disability and whose disability or condition
18 requires long-term care that is expected to last at least 90 days, refer the patient to
19 the resource center under s. 46.283. The rules shall specify that this requirement
20 applies only if the secretary has certified under s. 46.281 (3) (a) that a resource center
21 is available for the hospital and for specified groups of eligible individuals that
22 include persons seeking admission to or patients of the hospital.

History: 1971 c. 211; 1975 c. 383 s. 4; 1975 c. 413 ss. 4, 18; 1975 c. 421; Stats. 1975 s. 50.36; 1977 c. 29; 1979 c. 34; 1981 c. 135; 1985 a. 340; 1989 a. 37; 1991 a. 129; 1993 a. 16, 30, 270; 1995 a. 27 ss. 3245, 3246, 9116 (5); 1997 a. 175; 1999 a. 9.

23

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0203/dn

DAK...
hnt

DATELINE

To Gretchen Fossum and Charles Jones:

Please note that I have in this draft made the following changes from the material proposed:

✓ 1. I changed the numbering of proposed s. 46.281 (1) (j), which would have created a duty for the department to approve or disapprove proposed initial members of the family care district board, to s. 46.281 (3) (b), which creates, instead, that duty for the secretary of health and family services, consistent with the other language of the proposal. I also added another duty for the secretary, in s. 46.281 (3) (c), to correspond with the requirement in s. 46.2895 (1) (a) (intro.), stats., that the secretary approve the creation by a county board of a family care district.

* 2. I changed the numbering of proposed s. 46.282 (3) (a) 1. b. to (3) (a) 1m. ✓ As I understand it, the recommendation goes to the secretary only; the proposed placement of the language would have required that the recommendations be submitted also to the county board, any county executive, and the department.

3. I amended s. 46.282 (3) (a) 1. b., stats., to fix incorrect language.

4. I changed s. 46.2895 (3) (e) from the language proposed, because, as proposed, the family care district board could only appoint successors to the *initial* members.

5. I added an amendment to s. 46.2895 (3) (a) 2., stats., for multicounty family care districts.

As proposed and drafted, the family care district board may appoint successors to the board; that power is broad enough to allow the board to perpetually reappoint itself. As drafted, no body reviews these subsequent appointments. It is not clear to me that this solution adequately addresses what the request states as a problem of a potential conflict of interest.

Debra A. Kennedy
Managing Attorney
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0203/1dn
DAK:lunh:pg

September 27, 2000

To Gretchen Fossum and Charles Jones:

Please note that I have in this draft made the following changes from the material proposed:

1. I changed the numbering of proposed s. 46.281 (1) (j), which would have created a duty for the department to approve or disapprove proposed initial members of the family care district board, to s. 46.281 (3) (b), which creates, instead, that duty for the *secretary* of health and family services, consistent with the other language of the proposal. I also added another duty for the secretary, in s. 46.281 (3) (c), to correspond with the requirement in s. 46.2895 (1) (a) (intro.), stats., that the secretary approve the creation by a county board of a family care district.

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Debora A. Kennedy
Managing Attorney
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E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Fossum, Gretchen
Sent: Wednesday, November 22, 2000 2:51 PM
To: Kennedy, Debora
Subject: Family Care Draft Update:

Debora, this is an update on the Family Care drafts.

Pending the Governor's decisions, the following drafts are fine:

0197/1 Family Care facility referrals
0198/2 Family Care phase-in for non-MA eligibles
0200/1 Family Care hospital referrals
0201/1 Family Care estate recovery appropriations
0204/1 Council on Long-Term Care - sunset

For draft 0196/1, Family Care eligibility:

Draft is fine. In addition, please amend s. 46.286(1m) to extend the sunset date for the developmentally disabled to July 1, 2003 (page 3, line 1). This will extend the date for the pilots that did not begin operation in the current biennium (Kenosha County).

For draft 0202/P1, Family Care hearing rights

The department wishes that all enrollees in Family Care have the same hearing rights related to recovery of correctly or incorrectly paid benefits as Medicaid recipients. It acknowledges that its drafting request did not make this clear. The department responses to your drafter questions are the following:

The LRB has requested more information on the reasoning behind ERP's request to repeal s. 46.487(2)(a)1.k., Stats., which grants hearing rights under FC to "Recovery of family care benefit payment under s. 46.286(7)."

The primary reason is that ERP has rights for 3 different types of hearings, each of which needs to be treated differently than the language in s. 46.487(2)(a)1, Stats., provides. That language provides for a straight HA 3 hearing and that is not what is needed in any of the 3 types of ERP hearings. The FC statutes in s. 46.286(7), Stats., simply provide that the department shall write rules for the handling of correctly and incorrectly paid FC benefits that are substantially similar to applicable provisions under ss. 49.496 and 49.497. That is what was done and the rules reflect the differences needed between the different hearing rights. The 3 are as follows:

1. Hearings regarding the department's claims filed in estates are conducted as part of the probate process in circuit court. See s. 49.46(3). Estate claims are not given administrative hearings; they are heard in court. These therefore need to be taken out of s. 46.487(2) because they cannot have administrative hearings. This applies to both MA and non-MA enrollees. See Wis. Adm. Code s. HFS 10.62(1) which states that all recoveries shall be made in accordance with s. 49.496(1), (3), (6m) and (7) and s. 867.035 and s. HFS 108.02(11) and (12).
2. The process regarding the placement of a lien is spelled out in s. 49.496(2). There is a procedure that is different from other administrative hearings that needs to be followed. In the FC rules the lien process and hearing rights are spelled out in HFS s. 10.62(4). It provides that an enrollee's hearing rights regarding liens are provided in s. 49.496(2), Stats., and in ch. HA. This applies to both MA and non-MA enrollees.
3. The process regarding hardship waiver requests is also treated specifically in the rules. This applies to both MA and non-MA enrollees. There are specific rights and procedures regarding requests for hardship waivers that need to be followed. The rules state that the right to hardship waivers and hearings regarding hardship waivers are as provided in s. 49.496(6m), Stats., and s. HFS 108.02(12). See s. HFS 10.62(1) and (4).

A question is also raised regarding recovery of incorrect payments. The FC rules also address that question. In s. HFS 10.61 it states that incorrect payments are to be handled as provided in s. 49.497, Stats., and in s. HFS 108.03. That applies to both MA and non-MA enrollees and refers them to the same process as currently exists for all other MA programs.

The repeal of s. 46.287(2)(a)1.k., Stats., simply completes the directive in s. 46.286(7) to treat correctly and incorrectly

paid FC in a manner that is substantially similar to applicable provisions in s. 49.496 and 49.497, Stats.

All rights are provided to both MA and non-MA enrollees but they are provided through the rules and through cross-references to currently existing provisions that are used to recover correctly and incorrectly paid MA.

For draft 0203/1, Family Care district:

The draft is fine. The department believes that, in view of quality assurance monitoring and contractual provisions for sanctions, that the draft adequately addresses potential conflicts of interest.

For draft 0205/1, Family Care miscellaneous changes:

I am waiting to get a response from the department and get a recommendation for the definition of a family member. I did like your suggestion for using the definition under s. 157.061(7) with possibly using the first degree of kinship, rather than the third degree.

I will be sending Steve Miller a request for an additional Family Care draft relating to home health agencies.

If you have any questions, please contact me at 266-2266.



D-NOTE

DOA:.....Fossum – Family care district

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 Do not gen
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

LONG-TERM CARE; FAMILY CARE

Currently, under family care, a program of financial assistance in providing long-term care and support items, a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care district. A family care district is a special purpose district that is organized to operate a family care resource center or a care management organization, but not both. The county board of supervisors or county executive or county administrator, if any, also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21-member board. The lengths of appointment of the initial members of the family care district board, on a staggered basis, are specified. Up to one-fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long-term care council, which develops the initial county plan for the structure of the family care program in that county.

This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed

appointments to the family care district board be first reviewed and approved by the secretary of health and family services (secretary). This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to the secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. Further, the bill decreases the initial lengths of appointment of initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

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.** 46.281 (3) of the statutes is renumbered 46.281 (3) (intro.) and
2 amended to read:

3 46.281 (3) DUTY OF THE SECRETARY. (intro.) The secretary shall certify do all of
4 the following:

5 (a) Certify to each county, hospital, nursing home, community-based
6 residential facility, adult family home, and residential care apartment complex the
7 date on which a resource center that serves the area of the county, hospital, nursing
8 home, community-based residential facility, adult family home, or residential care
9 apartment complex is first available to provide a functional and financial screening. To
10 facilitate phase-in of services of resource centers, the secretary may certify that the
11 resource center is available for specified groups of eligible individuals or for specified
12 facilities in the county.

INSERT 2-12

13 **SECTION 2.** 46.281 (3) (b) of the statutes is created to read:

14 46.281 (3) (b) Review the list of proposed initial members of a family care
15 district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local

1 long-term care council under s. 46.2895 (1) (a) 2. c. and approve or disapprove the
2 proposed membership.

3 **SECTION 3.** 46.281 (3) (c) of the statutes is created to read:

4 46.281 (3) (c) Review and approve or disapprove the creation by a county board
5 of supervisors of a family care district under s. 46.2895 (1) (a).

6 **SECTION 4.** 46.282 (3) (a) 1. b. of the statutes is amended to read:

7 46.282 (3) (a) 1. b. Whether the county should create a family care district to
8 operate a resource center or ~~under~~ a care management organization.

9 **SECTION 5.** 46.282 (3) (a) 1m. of the statutes is created to read:

10 46.282 (3) (a) 1m. Review the list of proposed initial members of the family care
11 district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary approval
12 or disapproval of the proposed membership.

13 **SECTION 6.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

14 46.2895 (1) (a) (intro.) After considering recommendations of the local
15 long-term care council under s. 46.282 (3) (a) 1., and with approval of the secretary,
16 a county board of supervisors may create a special purpose district that is termed a
17 “family care district”, that is a local unit of government, that is separate and distinct
18 from, and independent of, the state and the county, and that has the powers and
19 duties specified in this section, if the county board does all of the following:

20 **SECTION 7.** 46.2895 (1) (a) 2. of the statutes is renumbered 46.2895 (1) (a) 2.
21 (intro.) and amended to read:

22 46.2895 (1) (a) 2. (intro.) ~~Files copies of the enabling resolution~~ with the
23 secretary of administration, the secretary of health and family services, and the
24 secretary of revenue. copies of all of the following:

25 **SECTION 8.** 46.2895 (1) (a) 2. a. to c. of the statutes are created to read:

1 46.2895 (1) (a) 2. a. The enabling resolution under subd. 1.

2 b. A list of the names and addresses of the proposed initial members of the
3 family care district board under sub. (3).

4 c. Recommendations of the local long-term care council under s. 46.282 (3) (a)
5 1m.

6 **SECTION 9.** 46.2895 (1) (b) of the statutes is amended to read:

7 46.2895 (1) (b) The county boards of supervisors of 2 or more counties may
8 together, with the approval of the secretary, create a family care district with the
9 attributes specified in par. (a) (intro.) on a multicounty basis within the counties if
10 the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

11 **SECTION 10.** 46.2895 (3) (a) 1. of the statutes is amended to read:

12 46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county
13 with a county administrator or county executive, the county administrator or county
14 executive shall, with the approval of the secretary, appoint the initial members of the
15 family care district board, which is the governing board of a family care district under
16 sub. (1) (a).

17 **SECTION 11.** 46.2895 (3) (a) 2. of the statutes is amended to read:

18 46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,
19 with the approval of the secretary, appoint the initial members of the family care
20 district board, which is the governing board of the family care district under sub. (1)
21 (b). Each county board shall appoint members in the same proportion that the
22 county's population represents to the total population of all of the counties that
23 constitute the jurisdiction of the family care district.

24 **SECTION 12.** 46.2895 (3) (b) 3. of the statutes is amended to read:

1 46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.
2 or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the
3 family care district. ~~Up to~~ Less than one-fourth of the members of the board may
4 be elected or appointed officials or employees of the county or counties that created
5 the family care district. No member of the board may have a private financial
6 interest in or profit directly or indirectly from any contract or other business of the
7 family care district.

8 **SECTION 13.** 46.2895 (3) (c) of the statutes is amended to read:

9 46.2895 (3) (c) The initial members of the family care district board appointed
10 under par. (a) shall serve 3-year terms. No member may serve more than 2
11 consecutive terms. Of the members first appointed, 5 shall be appointed for ~~3 years~~
12 one year; 5 shall be appointed for ~~4~~ 2 years; and 5 or, in the case of a board appointed
13 under par. (b) 2., the remainder, shall be appointed for ~~5~~ 3 years. A member shall
14 serve until his or her successor is appointed, unless removed for cause under s. 17.13.

15 **SECTION 14.** 46.2895 (3) (e) of the statutes is created to read:

16 46.2895 (3) (e) The family care district board shall appoint a successor to a
17 member of the family care district board, including an initial member appointed
18 under par. (a), when a member's term expires or if a member is removed for cause
19 under s. 17.13.

20 **SECTION 15.** 50.033 (2t) of the statutes is amended to read:

21 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
22 has certified under s. 46.281 (3) (a) that a resource center is available for the adult
23 family home and for specified groups of eligible individuals that include those
24 persons seeking admission to or the residents of the adult family home.

25 **SECTION 16.** 50.034 (5p) of the statutes is amended to read:

1 50.034 (5p) APPLICABILITY. Subsections (5m) and (5n) apply only if the secretary
2 has certified under s. 46.281 (3) (a) that a resource center is available for the
3 residential care apartment complex and for specified groups of eligible individuals
4 that include those persons seeking admission to or the residents of the residential
5 care apartment complex.

6 **SECTION 17.** 50.035 (4p) of the statutes is amended to read:

7 50.035 (4p) APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
8 has certified under s. 46.281 (3) (a) that a resource center is available for the
9 community-based residential facility and for specified groups of eligible individuals
10 that include those persons seeking admission to or the residents of the
11 community-based residential facility.

12 **SECTION 18.** 50.04 (2i) of the statutes is amended to read:

13 50.04 (2i) APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
14 has certified under s. 46.281 (3) (a) that a resource center is available for the nursing
15 home and for specified groups of eligible individuals that include those persons
16 seeking admission to or the residents of the nursing home.

17 **SECTION 19.** 50.04 (2m) (b) of the statutes is amended to read:

18 50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the
19 secretary has certified under s. 46.281 (3) (a) that a resource center is available.

20 **SECTION 20.** 50.06 (7) of the statutes is amended to read:

21 50.06 (7) An individual who consents to an admission under this section may
22 request that an assessment be conducted for the incapacitated individual under the
23 long-term support community options program under s. 46.27 (6) or, if the secretary
24 has certified under s. 46.281 (3) (a) that a resource center is available for the
25 individual, a functional and financial screen to determine eligibility for the family

1 care benefit under s. 46.286 (1). If admission is sought on behalf of the incapacitated
2 individual or if the incapacitated individual is about to be admitted on a private pay
3 basis, the individual who consents to the admission may waive the requirement for
4 a financial screen under s. 46.283 (4) (g), unless the incapacitated individual is
5 expected to become eligible for medical assistance within 6 months.

6 **SECTION 21.** 50.36 (2) (c) of the statutes is amended to read:

7 50.36 (2) (c) The department shall promulgate rules that require that a
8 hospital, before discharging a patient who is aged 65 or older or who has
9 developmental disability or physical disability and whose disability or condition
10 requires long-term care that is expected to last at least 90 days, refer the patient to
11 the resource center under s. 46.283. The rules shall specify that this requirement
12 applies only if the secretary has certified under s. 46.281 (3) (a) that a resource center
13 is available for the hospital and for specified groups of eligible individuals that
14 include persons seeking admission to or patients of the hospital.

15

(END)

D-NOTE

**2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0203/2ins
DAK:hmh&jld:pg

INSERT 2-12

***NOTE: This is reconciled s. 46.281 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0203/1 and LRB-0205/2. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0203/2dn
DAK:hmh/10/11/pg

Date

To Gretchen Fossum:

This draft eliminates the treatment of ss. 50.06 (7) and 50.36 (2) (c) and modifies the treatment of s. 46.281 (3) (a). The draft reconciles LRB-0200/1, LRB-0203/1, and LRB-0205/2. LRB-0200, LRB-0203, and LRB-0205 should all continue to appear in the compiled bill.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0203/2dn
DAK:hmh:pg

February 7, 2001

To Gretchen Fossum:

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0203/2
DAK:hmh&jld:pg

DOA:.....Fossum – Family care district

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

LONG-TERM CARE; FAMILY CARE

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This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed

appointments to the family care district board be first reviewed and approved by the secretary of health and family services (secretary). This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to the secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. Further, the bill decreases the initial lengths of appointment of initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

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.** 46.281 (3) of the statutes is renumbered 46.281 (3) (intro.) and
2 amended to read:

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4 the following:

5 (a) Certify to each county, hospital, nursing home, community-based
6 residential facility, adult family home, and residential care apartment complex the
7 date on which a resource center that serves the area of the county, hospital, nursing
8 home, community-based residential facility, adult family home, or residential care
9 apartment complex is first available to provide a functional screening and financial
10 screen eligibility and cost-sharing screening. To facilitate phase-in of services of
11 resource centers, the secretary may certify that the resource center is available for
12 specified groups of eligible individuals or for specified facilities in the county.

****NOTE: This is reconciled s. 46.281 (3) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0203/1 and LRB-0205/2.

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1 46.281 (3) (b) Review the list of proposed initial members of a family care
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4 proposed membership.

5 **SECTION 3.** 46.281 (3) (c) of the statutes is created to read:

6 46.281 (3) (c) Review and approve or disapprove the creation by a county board
7 of supervisors of a family care district under s. 46.2895 (1) (a).

8 **SECTION 4.** 46.282 (3) (a) 1. b. of the statutes is amended to read:

9 46.282 (3) (a) 1. b. Whether the county should create a family care district to
10 operate a resource center or ~~under~~ a care management organization.

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21 duties specified in this section, if the county board does all of the following:

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23 (intro.) and amended to read:

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2 secretary of administration, the secretary of health and family services, and the
3 secretary of revenue. copies of all of the following:

4 **SECTION 8.** 46.2895 (1) (a) 2. a. to c. of the statutes are created to read:

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6 b. A list of the names and addresses of the proposed initial members of the
7 family care district board under sub. (3).

8 c. Recommendations of the local long-term care council under s. 46.282 (3) (a)
9 1m.

10 **SECTION 9.** 46.2895 (1) (b) of the statutes is amended to read:

11 46.2895 (1) (b) The county boards of supervisors of 2 or more counties may
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13 attributes specified in par. (a) (intro.) on a multicounty basis within the counties if
14 the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

15 **SECTION 10.** 46.2895 (3) (a) 1. of the statutes is amended to read:

16 46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county
17 with a county administrator or county executive, the county administrator or county
18 executive shall, with the approval of the secretary, appoint the initial members of the
19 family care district board, which is the governing board of a family care district under
20 sub. (1) (a).

21 **SECTION 11.** 46.2895 (3) (a) 2. of the statutes is amended to read:

22 46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,
23 with the approval of the secretary, appoint the initial members of the family care
24 district board, which is the governing board of the family care district under sub. (1)
25 (b). Each county board shall appoint members in the same proportion that the

1 county's population represents to the total population of all of the counties that
2 constitute the jurisdiction of the family care district.

3 **SECTION 12.** 46.2895 (3) (b) 3. of the statutes is amended to read:

4 46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.
5 or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the
6 family care district. ~~Up to~~ Less than one-fourth of the members of the board may
7 be elected or appointed officials or employees of the county or counties that created
8 the family care district. No member of the board may have a private financial
9 interest in or profit directly or indirectly from any contract or other business of the
10 family care district.

11 **SECTION 13.** 46.2895 (3) (c) of the statutes is amended to read:

12 46.2895 (3) (c) The initial members of the family care district board appointed
13 under par. (a) shall serve 3-year terms. No member may serve more than 2
14 consecutive terms. Of the members first appointed, 5 shall be appointed for ~~3 years~~
15 one year; 5 shall be appointed for ~~4~~ 2 years; and 5 or, in the case of a board appointed
16 under par. (b) 2., the remainder, shall be appointed for ~~5~~ 3 years. A member shall
17 serve until his or her successor is appointed, unless removed for cause under s. 17.13.

18 **SECTION 14.** 46.2895 (3) (e) of the statutes is created to read:

19 46.2895 (3) (e) The family care district board shall appoint a successor to a
20 member of the family care district board, including an initial member appointed
21 under par. (a), when a member's term expires or if a member is removed for cause
22 under s. 17.13.

23 **SECTION 15.** 50.033 (2t) of the statutes is amended to read:

24 50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary
25 has certified under s. 46.281 (3) (a) that a resource center is available for the adult

1 family home and for specified groups of eligible individuals that include those
2 persons seeking admission to or the residents of the adult family home.

3 **SECTION 16.** 50.034 (5p) of the statutes is amended to read:

4 50.034 **(5p)** APPLICABILITY. Subsections (5m) and (5n) apply only if the secretary
5 has certified under s. 46.281 (3) (a) that a resource center is available for the
6 residential care apartment complex and for specified groups of eligible individuals
7 that include those persons seeking admission to or the residents of the residential
8 care apartment complex.

9 **SECTION 17.** 50.035 (4p) of the statutes is amended to read:

10 50.035 **(4p)** APPLICABILITY. Subsections (4m) and (4n) apply only if the secretary
11 has certified under s. 46.281 (3) (a) that a resource center is available for the
12 community-based residential facility and for specified groups of eligible individuals
13 that include those persons seeking admission to or the residents of the
14 community-based residential facility.

15 **SECTION 18.** 50.04 (2i) of the statutes is amended to read:

16 50.04 **(2i)** APPLICABILITY. Subsections (2g) and (2h) apply only if the secretary
17 has certified under s. 46.281 (3) (a) that a resource center is available for the nursing
18 home and for specified groups of eligible individuals that include those persons
19 seeking admission to or the residents of the nursing home.

20 **SECTION 19.** 50.04 (2m) (b) of the statutes is amended to read:

21 50.04 **(2m)** (b) Paragraph (a) does not apply to those residents for whom the
22 secretary has certified under s. 46.281 (3) (a) that a resource center is available.

23 (END)