

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/20/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget (608) 266-2288**

By/Representing: **Fossum**

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

Drafter: **kenneda**

May Contact:

Alt. Drafters:

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

Extra Copies: **ISR**

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**Pre Topic:**

DOA:.....Fossum -

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**Topic:**

Preadmission assessment and consultation process for C-BRFs and residential care apartment complexes

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**Instructions:**

See Attached

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**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 12/22/2000	gilfokm 12/28/2000	rschluet 01/04/2001	_____	lrb_docadmin 01/04/2001		S&L
/2	kenneda 01/10/2001	gilfokm 01/11/2001	pgreensl 01/12/2001	_____	lrb_docadmin 01/12/2001		S&L

FE Sent For:

*13 2/7 jd*

<END>

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FE Sent For: *1/2-1/11/01 Kmg* *1/2* *pej* *RS*

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Pre-admission assessment and consultation process for CBRFs and residential care apartment complexes

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1?	kenneda	1-12/King /28	12-22-00	CPG 1-3-01			

FE Sent For:

<END>

# DHFS

**Department of Health and Family Services**  
**1999-2001 Biennial Budget Statutory Language Request**  
September 12, 2000

**Title: CBRF Pre-Admission Assessment and Consultation Process**

## **Current Language**

Current provisions specify certain pre-admission procedures community based residential facilities (CBRFs) and residential care apartment complexes (RCACs) must undertake for counties in which a resource center under Family Care is available (s.46.27(6), s.50.034(5m), s.50.034(5n), s.50.034(8), s.50.035(4m), s.50.035(4n), s.50.035(8), and s.50.035(11)).

## **Proposed Changes**

Modify the existing CBRF pre-admission assessment and consultation process to be more consistent with Family Care. Changes would include.

- 1) Expand the requirement for a pre-admission consultation to certified RCACs as well as CBRFs.
- 2) Require CBRFs and RCACs to give consumers information about long-term care options at the time of first contact and not just prior to admission, as is done under Family Care.
- 3) Assess fines on CBRFs and RCACs for not referring clients to the local long term support agency, as is done under Family Care.

## **Effect of the Change**

Persons seeking care in CBRFs and RCACs will benefit from an improved pre-admission assessment and consultation process.

## **Rationale for the Change**

The proposed changes will improve the current pre-admission and consultation process. Individuals will become better informed about the full array of choices of living and service arrangements that can meet their long term care needs. As a result, it is expected that individuals will make choices about their living arrangements and long-term care services that are better suited to their preferences and needs and that are more cost effective. By managing their personal financial resources more prudently, consumers will avoid or reduce their need and use of publicly funded long-term care programs.

**Desired Effective Date:** Upon passage of the budget  
**Agency:** DHFS  
**Agency Contact:** Lisa Kelly *Audrey Forsaith*

Phone:

266-5362

**Kennedy, Debora**

---

**From:** Fossum, Gretchen  
**Sent:** Friday, October 06, 2000 4:20 PM  
**To:** Kennedy, Debora  
**Subject:** 2 CBRF Drafts

Debra:

Hold off on doing anything on Monday on the CBRF/RCAC funding draft and the CBRF bed size draft. The department staff are confused as to what they want. Will let you know when they clarify their request.

Gretchen

**Kennedy, Debora**

**From:** Fossum, Gretchen  
**Sent:** Tuesday, October 10, 2000 9:22 AM  
**To:** Kennedy, Debora  
**Subject:** CBRF and RCAC Drafting Language

Gretchen: Here is the clarification regarding our statutory request for pre-admission referral/assessment/consultation for CBRFs and certified RCACs. The clarification is intended to accomplish the goals of informing individuals of their long term care living, service, and funding options and preparing counties for Family Care, while avoiding burdensome mandates on counties.

*GF: department in county that runs COP*

For CBRFs, we propose language to:

- 1) Require CBRFs to refer individuals seeking admission to the county.
- 2) Maintain current requirements under s. 46.27(7)(c)3.a. for counties to conduct assessments or consultations for CBRF residents (i.e. that an assessment or consultation must be conducted at the time of admission in order for the person to be eligible for COP or the waivers.
- 3) Provide the Department authority to levy forfeitures on CBRFs that do not comply with the referral requirements.

*How does this differ from c.l. at 50.035(4m), (4n) and (11)(a)?*

For certified RCACs, we propose language to:

- 1) Require the RCAC to provide a person seeking admission with information specified by the Department regarding the availability of public funding for long term care services.
- 2) Require the RCAC to notify the county that the person has inquired about admission to the facility and that the RCAC has provided him/her with the information specified in 1)
- 3) Provide the Department authority to levy a forfeiture on the RCAC for failing to provide the information and/or to notify the county.

*change s. 50.034(5m)?*

*GF: Dept in co. that runs COP*

*New*

Under this arrangement, the county would not be obligated to conduct an assessment or consultation for the potential RCAC resident nor would the potential RCAC resident be obligated to undergo the assessment or consultation.

*How does this differ from c.l. at 50.034(8)(a)?*

*10/11/00: From Gretchen Fossum: This language is for counties that do not have Family Care, it is not intended to change 50.035(4m) or (4n) or 50.034(5m) + (5n). She will find out if the new language should have the exclusions under 50.035(4n)(a) to (d) and 50.034(5n)(a) to (d). Forfeiture amts shd be same as under c.l. in 50.035(11)(a) + 50.034(8)(a).*

**Kennedy, Debora**

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**From:** Fossum, Gretchen  
**Sent:** Thursday, December 21, 2000 4:16 PM  
**To:** Kennedy, Debora  
**Subject:** CBRF and RCAC Pre-Admission Assessment and Consultation Process

Debora:

Here is what the department now wants on this drafting request.

1. Allow base COP assessment funds to be used for pre-admission consultations.
2. Maintain current law under s, 46,27(7)(cj)3.a. that requires counties to conduct assessments for the CBRF residents at the time of admission to be eligible for COP or COP waiver.
3. Require CBRFs to refer individuals seeking admission to the county COP agency. Allow the department to levy a forfeiture of \$500 against a CBRF if it is in violation of this provision.
4. Require a certified RCAC to provide a person seeking admission with information regarding the availability of public funding for long-term care services. Allow the department to levy a forfeiture of \$500 against a RCAC if it is in violation of this provision.

If you have any questions, please contact me at 266-2288.

Gretchen A. Fossum  
State Budget Office  
21 December 2000





SOON - In edit 12/22

State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0428/1

DAK... King

D-NOTE

DOA:.....Fossum – Pre<sup>4</sup>admission assessment and consultation process for  
CBRFs and residential care apartment complexes  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LPS:  
In request sheet

DON'T  
G. EN. CAT.

1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**OTHER LONG-TERM CARE**

Under current law, state general purpose revenues are used to provide assessments under the long-term support community options program (known generally as "COP") to persons who reside in or are about to be admitted to nursing homes. Also under current law, after the secretary of health and family services has certified that a resource center is available to provide family care services in a county, community-based residential facilities (C-BRFs) and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under the community integration program for persons who are relocated from certain institutions or who meet level-of-care requirements for medical assistance (MA).

This bill requires that, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the availability of public funding for long-term care services.

Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. Residential care apartment complexes and C-BRFs that fail to comply with these requirements are subject to administrative forfeitures. Lastly, the bill authorizes general purpose revenues that are appropriated to COP to be used for conducting pre-admission consultations for persons seeking admission or about to be admitted to a C-BRF.

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

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

1 SECTION 1. 20.435 (7) (bd) of the statutes is amended to read:

2 20.435 (7) (bd) *Community options program; pilot projects; family care benefit.*

3 The amounts in the schedule for pre-admission consultations, assessments, case  
4 planning, services, administration and risk reserve escrow accounts under s. 46.27,  
5 for pilot projects under s. 46.271 (1), to fund services provided by resource centers  
6 under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and  
7 for the payment of premiums under s. 49.472 (5). If the department transfers funds  
8 to this appropriation from the appropriation account under sub. (4) (b), the amounts  
9 in the schedule for the fiscal year for which the transfer is made are increased by the  
10 amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding  
11 ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer  
12 moneys between fiscal years. Except for moneys authorized for transfer under this  
13 appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation  
14 that are allocated under s. 46.27 and are not spent or encumbered by counties or by  
15 the department by December 31 of each year shall lapse to the general fund on the  
16 succeeding January 1 unless transferred to the next calendar year by the joint  
17 committee on finance.

**History:** 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11);

1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r. 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186.

1 SECTION 2. 46.27 (6) (title) of the statutes is amended to read:

2 46.27 (6) (title) ASSESSMENTS AND ~~PRE~~ADMISSION CONSULTATIONS.

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; 1999 a. 9, 63.

3 SECTION 3. 46.27 (6) (a) 1. of the statutes is amended to read:

4 46.27 (6) (a) 1. Within the limits of state and federal funds allocated under sub.  
5 (7) and within the limits of fees collected, an assessment shall be conducted for any  
6 person identified in sub. (5) (e) or who is seeking admission to or is about to be  
7 admitted to a nursing home and a ~~pre~~admission consultation shall be conducted for  
8 any person who is seeking admission to or is about to be admitted to a  
9 community-based residential facility. ~~Unless prohibited, a fee may be charged,~~  
10 unless prohibited, for the assessment. • Δ Δ

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; 1999 a. 9, 63.

11 SECTION 4. 50.034 (5g) of the statutes is created to read:

12 50.034 (5g) REFERRAL TO COUNTY DEPARTMENT. Except in a county in which ~~sub.~~ subs.  
13 (5m) and (5n) are applicable, as specified in sub. (5p), a residential care apartment  
14 complex shall inform a prospective resident of the availability of public funding for  
15 long-term care services.

16 SECTION 5. 50.034 (8) (a) of the statutes is amended to read:

17 50.034 (8) (a) Whoever violates sub. (5g), (5m)<sup>v</sup>, or (5n) or rules promulgated  
18 under sub. (5g), (5m)<sup>v</sup>, or (5n) may be required to forfeit not more than \$500 for each  
19 violation.

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

20 SECTION 6. 50.035 (9) of the statutes is renumbered 50.035 (9) ~~and 50.035~~

21 (9) (title), as renumbered, is amended to read:

File component

INS. 3-19

50.035 (9) (title) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT  
REQUIREMENT; REFERRAL.

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; 1999 a. 9, 32, 103, 186.

SECTION 7. 50.035 (9) (b) of the statutes is created to read:

50.035 (9) (b) Except in a county in which ~~sub. (4m)~~<sup>sub.</sup> (4m) and (4n) are applicable, as specified in sub. (4p), a community-based residential facility shall refer a person who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. that is designated to administer the program under s. 46.27.

SECTION 8. 50.035 (11) (a) of the statutes is amended to read:

50.035 (11) (a) Whoever violates sub. (4m) ~~or~~<sup>or</sup> (4n), or (9) (b) or rules promulgated under sub. (4m) ~~or~~<sup>or</sup> (4n), or (9) (b) may be required to forfeit not more than \$500 for each violation.

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; 1999 a. 9, 32, 103, 186.

SECTION 9323. Initial applicability; health and family services.

(1) ASSESSMENTS AND PRE-ADMISSION INFORMATION. The treatment of sections 50.034 (5g) and (8) (a) and 50.035 ~~(11) (a)~~<sup>(9) (title) and</sup> (11) (a) of the statutes and the creation of section 50.035 (9) (b) of the statutes first apply to residencies in residential care apartment complexes and admissions to community-based residential facilities sought on the effective date of this ~~subsection~~<sup>subsection</sup>.

(END)

D-NOTE

The renumbering of section 50.035 (9) of the statutes,

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

LRB-0428/1dn

DAK.....  
*King*

To Gretchen Fossum and Andy Forsaith:

Please note that I placed the new requirement for C-BRFs in s. 50.035 (9) (b), *stats.*, next to the current requirement for informing prospective residents of COP and CIP assessment requirements. They are not exactly redundant, but they certainly are close, although failure by a C-BRF to follow s. 50.035 (9) (a), as renumbered, is not subject to a forfeiture.

Debra A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debra.kennedy@legis.state.wi.us](mailto:debra.kennedy@legis.state.wi.us)

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

LRB-0428/1dn  
DAK:kmg:rs

December 29, 2000

To Gretchen Fossum and Andy Forsaith:

Please note that I placed the new requirement for C-BRFs in s. 50.035 (9) (b), stats., next to the current requirement for informing prospective residents of COP and CIP assessment requirements. They are not exactly redundant, but they certainly are close, although failure by a C-BRF to follow s. 50.035 (9) (a), as renumbered, is not subject to a forfeiture.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

**Kennedy, Debora**

---

**From:** Fossum, Gretchen  
**Sent:** Wednesday, January 10, 2001 1:34 PM  
**To:** Kennedy, Debora  
**Subject:** LRB Draft 0428/1

Please make the following changes, requested by DHFS, to draft 0428/1:

1. Delete sections 2 and 3 of the draft.
- ✓ 2. On page 3, line 13 reword to state " inform a prospective resident of the services of the county aging unit and long-term support agency and conditions for eligibility for public funding for long-term care services".
- ✗ 3. Section 9323. Initial applicability - use January 1, 2002 for the effective date.

If you have any questions on this request, please contact me at 266-2288.

Gretchen A. Fossum  
State Budget Office  
January 10, 2001



DOA:.....Fossum – Preadmission assessment and consultation process for  
C-BRFs and residential care apartment complexes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1

*Don't  
Gen. Cat.*  
AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER LONG-TERM CARE**

Under current law, state general purpose revenues are used to provide assessments under the long-term support community options program (known generally as "COP") to persons who reside in or are about to be admitted to nursing homes. Also under current law, after the secretary of health and family services has certified that a resource center is available to provide family care services in a county, community-based residential facilities (C-BRFs) and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under the community integration program for persons who are relocated from certain institutions or who meet level-of-care requirements for medical assistance (MA).

This bill requires that, <sup>(beginning on January 1, 2002)</sup> except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the ~~availability of~~ public funding for long-term care services.

*the services of the county aging unit and the agency in the county that administers COP and conditions for eligibility for*



Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. Residential care apartment complexes and C-BRFs that fail to comply with these requirements are subject to administrative forfeitures. Lastly, the bill authorizes general purpose revenues that are appropriated to COP to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C-BRF.

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.** 20.435 (7) (bd) of the statutes is amended to read:

2           20.435 (7) (bd) *Community options program; pilot projects; family care benefit.*

3           The amounts in the schedule for preadmission consultations, assessments, case  
4           planning, services, administration and risk reserve escrow accounts under s. 46.27,  
5           for pilot projects under s. 46.271 (1), to fund services provided by resource centers  
6           under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and  
7           for the payment of premiums under s. 49.472 (5). If the department transfers funds  
8           to this appropriation from the appropriation account under sub. (4)(b), the amounts  
9           in the schedule for the fiscal year for which the transfer is made are increased by the  
10          amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding  
11          ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer  
12          moneys between fiscal years. Except for moneys authorized for transfer under this  
13          appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation  
14          that are allocated under s. 46.27 and are not spent or encumbered by counties or by  
15          the department by December 31 of each year shall lapse to the general fund on the  
16          succeeding January 1 unless transferred to the next calendar year by the joint  
17          committee on finance.

18          ~~SECTION 2. 46.27(6) (title) of the statutes is amended to read:~~

Services of the county aging unit and an entity specified under s. 46.27 (3)(b) 1. to 6. or (3m) that is designated to administer the program under s. 46.27 and conditions for eligibility for

1 46.27 (6) (title) ASSESSMENTS AND PREADMISSION CONSULTATIONS.

2 SECTION 3. 46.27 (6) (a) 1. of the statutes is amended to read:

3 46.27 (6) (a) 1. Within the limits of state and federal funds allocated under sub.  
4 (7) and within the limits of fees collected, an assessment shall be conducted for any  
5 person identified in sub. (5) (e) or who is seeking admission to or is about to be  
6 admitted to a nursing home. A and a preadmission consultation shall be conducted  
7 for any person who is seeking admission to or is about to be admitted to a  
8 community-based residential facility. Unless prohibited, a fee may be charged,  
9 unless prohibited, for the assessment.

10 SECTION 4. 50.034 (5g) of the statutes is created to read:

11 INFORMATION TO PROSPECTIVE RESIDENTS

12 50.034 (5g) ~~REFERRAL TO COUNTY DEPARTMENT~~ Except in a county in which subs.  
13 (5m) and (5n) are applicable, as specified in sub. (5p), a residential care apartment  
14 complex shall inform a prospective resident of the ~~availability of~~ public funding for  
15 long-term care services.

16 SECTION 5. 50.034 (8) (a) of the statutes is amended to read:

17 50.034 (8) (a) Whoever violates sub. (5g), (5m), or (5n) or rules promulgated  
18 under sub. (5g), (5m), or (5n) may be required to forfeit not more than \$500 for each  
19 violation.

20 SECTION 6. 50.035 (9) (title) of the statutes is amended to read:

21 50.035 (9) (title) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT  
22 REQUIREMENT, REFERRAL.

23 SECTION 7. 50.035 (9) of the statutes is renumbered 50.035 (9) (a).

24 SECTION 8. 50.035 (9) (b) of the statutes is created to read:

25 50.035 (9) (b) Except in a county in which subs. (4m) and (4n) are applicable,  
as specified in sub. (4p), a community-based residential facility shall refer a person

or (3m)

1 who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. that is  
2 designated to administer the program under s. 46.27.

3 SECTION 9. 50.035 (11) (a) of the statutes is amended to read:

4 50.035 (11) (a) Whoever violates sub. (4m) or (4n), or (9) (b) or rules  
5 promulgated under sub. (4m) or (4n), or (9) (b) may be required to forfeit not more  
6 than \$500 for each violation.

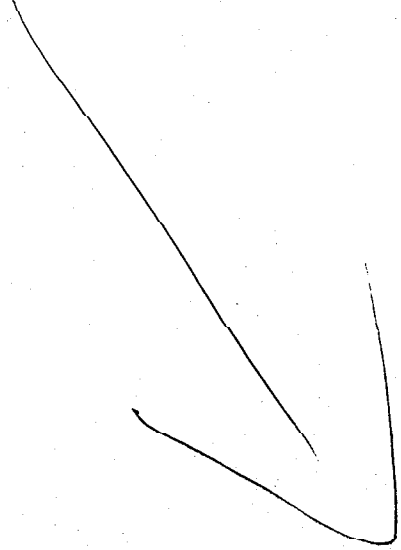
AND REFERRAL

7 SECTION 9323. Initial applicability; health and family services.

auto ref. "A"

8 (I) ~~ASSESSMENTS AND~~ PREAMMISSION INFORMATION. The treatment of sections  
9 50.034 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the  
10 renumbering of section 50.035 (9) of the statutes, and the creation of section 50.035  
11 (9) (b) of the statutes first apply to residencies in residential care apartment  
12 complexes and admissions to community-based residential facilities sought on the  
13 effective date of this subsection.

(END)



**EFFECTIVE DATE**

1. In the component bar: For the action phrase, execute: ... create → action: → \*NS: → effdate  
For the text, execute: ..... create → text: → \*NS: → effdateA
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . Effective date.

( #1 ) ( ) ..... This act takes effect on .....

1. In the component bar: For the action phrase, execute: .. create → action: → \*NS: → effdateE  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_ . Effective dates; .....

..... This act takes effect on the day after publication, except as follows:  
( #1 ) ( ) ..... The treatment of sections ..... of the statutes takes effect on .....

1. In the component bar: For the budget action phrase, execute:..create → action: → \*NS: → 94XX  
For the text, execute: ..... create → text: → \*NS: → effdate
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

**SECTION 94** 2 3 . Effective dates; health and family services ..... AND REFERRAL .

( #1 ) UNA PREADMISSION INFORMATION . The treatment of sections 50.034 (5g) and (8)(a) and 50.035 (9)(title) and (11)(a) of the statutes, the renumbering of section 50.035 (9) of the statutes, and the creation of the statutes takes effect on ..... January 1, 2002 ..... section 50.035 (9)(b)

CS and SECTION 9123 (1) of this act



**State of Wisconsin**  
**2001 - 2002 LEGISLATURE**

LRB-0428/3

DAK:kmg:pg

TODAY  
D-NOTE

+jld

DOA:.....Fossum – Preadmission assessment and consultation process for C-BRFs and residential care apartment complexes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

Note for the file:  
Although the redraft  
was new, no change  
was made, and  
no B went out,  
because the  
reconciliation was  
instead, required  
in LRB-1686/4.  
DAK  
2/8/01

Do not gen

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER LONG-TERM CARE**

Under current law, state general purpose revenues are used to provide assessments under the long-term support community options program (known generally as "COP") to persons who reside in or are about to be admitted to nursing homes. Also under current law, after the secretary of health and family services has certified that a resource center is available to provide family care services in a county, community-based residential facilities (C-BRFs) and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under the community integration program for persons who are relocated from certain institutions or who meet level-of-care requirements for medical assistance (MA).

This bill requires that, beginning on January 1, 2002, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the services of the county aging

unit and the agency in the county that administers COP and conditions for eligibility for public funding for long-term care services. Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. Residential care apartment complexes and C-BRFs that fail to comply with these requirements are subject to administrative forfeitures. Lastly, the bill authorizes general purpose revenues that are appropriated to COP to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C-BRF.

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:***

**SECTION 1.** 20.435 (7) (bd) of the statutes is amended to read:

20.435 (7) (bd) *Community options program; pilot projects; family care benefit.*

The amounts in the schedule for preadmission consultations, assessments, case planning, services, administration and risk reserve escrow accounts under s. 46.27, for pilot projects under s. 46.271 (1), to fund services provided by resource centers under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and for the payment of premiums under s. 49.472 (5). If the department transfers funds to this appropriation from the appropriation account under sub. (4) (b), the amounts in the schedule for the fiscal year for which the transfer is made are increased by the amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer moneys between fiscal years. Except for moneys authorized for transfer under this appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27 and are not spent or encumbered by counties or by the department by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless transferred to the next calendar year by the joint committee on finance.

1           **SECTION 2.** 50.034 (5g) of the statutes is created to read:

2           50.034 **(5g)** INFORMATION TO PROSPECTIVE RESIDENTS. Except in a county in which  
3 subs. (5m) and (5n) are applicable, as specified in sub. (5p), a residential care  
4 apartment complex shall inform a prospective resident of the services of the county  
5 aging unit and an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m) that is  
6 designated to administer the program under s. 46.27 and conditions for eligibility for  
7 public funding for long-term care services.

8           **SECTION 3.** 50.034 (8) (a) of the statutes is amended to read:

9           50.034 **(8)** (a) Whoever violates sub. (5g), (5m), or (5n) or rules promulgated  
10 under sub. (5g), (5m), or (5n) may be required to forfeit not more than \$500 for each  
11 violation.

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

13           50.035 **(9)** (title) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT  
14 REQUIREMENT, REFERRAL.

15           **SECTION 5.** 50.035 (9) of the statutes is renumbered 50.035 (9) (a).

16           **SECTION 6.** 50.035 (9) (b) of the statutes is created to read:

17           50.035 **(9)** (b) Except in a county in which subs. (4m) and (4n) are applicable,  
18 as specified in sub. (4p), a community-based residential facility shall refer a person  
19 who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m)  
20 that is designated to administer the program under s. 46.27.

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

22           50.035 **(11)** (a) Whoever violates sub. (4m) ~~or~~, (4n), or (9) (b) or rules  
23 promulgated under sub. (4m) ~~or~~, (4n), or (9) (b) may be required to forfeit not more  
24 than \$500 for each violation.

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

(1) PREADMISSION INFORMATION AND REFERRAL. The treatment of sections 50.034 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the statutes first apply to residencies in residential care apartment complexes and admissions to community-based residential facilities sought on the effective date of this subsection.

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

(1) PREADMISSION INFORMATION AND REFERRAL. The treatment of sections 50.034 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the statutes and SECTION 9123 (1) of this act take effect on January 1, 2002.

(END)



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

LRB-0428/3dn  
DAK:kmg:pg

To Gretchen Fossum:

This draft deletes the treatment of ss. 50.034 (8) (a) and 50.035 (11) (a)✓. The draft reconciles LRB-0428/2 and LRB-1686/3. Both LRB-0428 and LRB-1686 should continue to appear in the compiled bill.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0428/3

DAK:kmg:pg

DOA:.....Fossum – Preadmission assessment and consultation process for  
C-BRFs and residential care apartment complexes

FOR 2001-03 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**

**OTHER LONG-TERM CARE**

Under current law, state general purpose revenues are used to provide assessments under the long-term support community options program (known generally as "COP") to persons who reside in or are about to be admitted to nursing homes. Also under current law, after the secretary of health and family services has certified that a resource center is available to provide family care services in a county, community-based residential facilities (C-BRFs) and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C-BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under the community integration program for persons who are relocated from certain institutions or who meet level-of-care requirements for medical assistance (MA).

This bill requires that, beginning on January 1, 2002, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the services of the county aging

unit and the agency in the county that administers COP and conditions for eligibility for public funding for long-term care services. Also, except in such a county, a C-BRF must refer persons seeking admission to the C-BRF to the agency in the county that administers COP. Residential care apartment complexes and C-BRFs that fail to comply with these requirements are subject to administrative forfeitures. Lastly, the bill authorizes general purpose revenues that are appropriated to COP to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C-BRF.

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

---

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

1           SECTION 1. 20.435 (7) (bd) of the statutes is amended to read:

2           20.435 (7) (bd) *Community options program; pilot projects; family care benefit.*

3           The amounts in the schedule for preadmission consultations, assessments, case  
4           planning, services, administration and risk reserve escrow accounts under s. 46.27,  
5           for pilot projects under s. 46.271 (1), to fund services provided by resource centers  
6           under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and  
7           for the payment of premiums under s. 49.472 (5). If the department transfers funds  
8           to this appropriation from the appropriation account under sub. (4) (b), the amounts  
9           in the schedule for the fiscal year for which the transfer is made are increased by the  
10          amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding  
11          ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer  
12          moneys between fiscal years. Except for moneys authorized for transfer under this  
13          appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation  
14          that are allocated under s. 46.27 and are not spent or encumbered by counties or by  
15          the department by December 31 of each year shall lapse to the general fund on the  
16          succeeding January 1 unless transferred to the next calendar year by the joint  
17          committee on finance.

1           **SECTION 2.** 50.034 (5g) of the statutes is created to read:

2           50.034 (5g) INFORMATION TO PROSPECTIVE RESIDENTS. Except in a county in which  
3 subs. (5m) and (5n) are applicable, as specified in sub. (5p), a residential care  
4 apartment complex shall inform a prospective resident of the services of the county  
5 aging unit and an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m) that is  
6 designated to administer the program under s. 46.27 and conditions for eligibility for  
7 public funding for long-term care services.

8           **SECTION 3.** 50.034 (8) (a) of the statutes is amended to read:

9           50.034 (8) (a) Whoever violates sub. ~~(5g)~~, (5m), or (5n) or rules promulgated  
10 under sub. ~~(5g)~~, (5m), or (5n) may be required to forfeit not more than \$500 for each  
11 violation.

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

13           50.035 (9) (title) NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT  
14 REQUIREMENT; REFERRAL.

15           **SECTION 5.** 50.035 (9) of the statutes is renumbered 50.035 (9) (a).

16           **SECTION 6.** 50.035 (9) (b) of the statutes is created to read:

17           50.035 (9) (b) Except in a county in which subs. (4m) and (4n) are applicable,  
18 as specified in sub. (4p), a community-based residential facility shall refer a person  
19 who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m)  
20 that is designated to administer the program under s. 46.27.

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

22           50.035 (11) (a) Whoever violates sub. (4m) ~~or~~, (4n), or (9) (b) or rules  
23 promulgated under sub. (4m) ~~or~~, (4n), or (9) (b) may be required to forfeit not more  
24 than \$500 for each violation.

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

