

2003 DRAFTING REQUEST

Bill

Received: 09/16/2002

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Herself

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - facility licensure

Extra Copies: RLR

Submit via email: YES

Requester's email: Rep.Krusick@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum staffing requiements for nursing homes

Instructions:

Redraft 2001 AB 802

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>
/?	dkennedy 10/01/2002	kgilfoy 11/06/2002		_____			S&L
/1			pgreensl 11/08/2002	_____	sbasford 11/08/2002		S&L
/2	dkennedy	kgilfoy	chaskett	_____	sbasford	amentkow	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/14/2003	01/14/2003	01/16/2003	_____	01/16/2003	03/11/2003	

FE Sent For: **02/17/2003**.

<END>

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/?	dkennedy 10/01/2002	kgilfoy 11/06/2002		_____			S&L
/1			pgreensl 11/08/2002	_____	sbasford 11/08/2002		S&L
/2	dkennedy	kgilfoy	chaskett	_____	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/14/2003	01/14/2003	01/16/2003	_____	01/16/2003		

FE Sent For:

<END>

12
2/17/03
Rep. Krusick

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/?	dkennedy 10/01/2002	kgilfoy 11/06/2002	12/15 Ceh	Pat CP 1/15			S&L
/1		12-1/14 KMP 103	pgreensl 11/08/2002		sbasford 11/08/2002		

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<END>

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Minimum staffing requirements for nursing homes

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Redraft 2001 AB 802

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		11-11/6	11/8 P8	11/8 <END> P8.197-			

FE Sent For:

WISCONSIN STATE ASSEMBLY



PEGGY KRUSICK
STATE REPRESENTATIVE

TO: Debora Kennedy
FROM: Peggy Krusick
DATE: August 16, 2002
SUBJECT: Bill Drafting Request

Please redraft 2001 Assembly Bill 802 (attached) for the 2003 session.

Just call with any questions. Thank you.

Kennedy, Debora

From: Moran, Christian
Sent: Tuesday, October 15, 2002 12:34 PM
To: Kennedy, Debora
Subject: LRB 0284/? (2003 Nursing Home Staffing Bill)

Debora,

A few weeks ago you had a question regarding the intent of the word "acuity" on page 2, line 6 of 2001 AB 802 (Peggy's nursing home staffing bill). You read it as meaning a nursing home resident's mental capacity.

* In fact, what is intended is a word or phrase that means the level of care ^{for phys or ment. conditions that} a nursing home resident requires. This could be related to care that is required for either physical or mental conditions. We'd appreciate any suggestions you have on more clear language.

On another issue, you mentioned amending page 2, line 5 of the bill to read. "investigate whether the staffing requirements should be based, in part, on a nursing home.."
Please make that change.

Thanks. Just call with any questions.

Christian
Peggy Krusick's office
6-1733

~~OLD~~
9/10/11

D. NOTE

- SOON

2001 - 2002 LEGISLATURE

0284/1
LRB-3338/2
DAK:JMS
KMG:

2001 ASSEMBLY BILL 802

February 12, 2002 - Introduced by Representative BOCK, CARPENTER, COGGS, LA FAVE, LASSA, J. LEH, POCAN, POWERS, RICHARDS, RYBA, SCHNEIDER, S, STEINBRINK, TRAVIS, TURNER, WALKER, WASSERMAN. Senators BURKE, ERPENBACH, GROBSCHMIDT, PLAC of Service Employees International Union - Coalition of Wisconsin Aging Groups, AARP, Boz Care, AFSCME Council 11, Wisconsin State AFL of Nurses and Health Professionals, Wisconsin Council of Senoir Citizens of Wisconsin. Referred Long-Term Care.

This bill was a PR when I first sent it into editing, but I realized some issues with the requester, so it now should be - by DAK
Thanks

Gen. Act.

- 1 AN ACT to repeal 50.04 (2) (d); to amend 50.02 (2) (bn); and to create 13.94 (12)
- 2 and 50.04 (2) (e) of the statutes; relating to: minimum staffing requirements
- 3 for nursing homes that do not primarily serve the developmentally disabled,
- 4 requiring audits by the legislative audit bureau, requiring reports, and
- 5 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

does

Current law requires nursing homes that do not primarily serve the developmentally disabled to provide each resident of the nursing home a minimum number of hours of nursing care per day according to the level of nursing care that the resident requires. These minimum hours must be provided by a registered nurse, licensed practical nurse, or nurse's assistant.

that

the

This bill requires the department of health and family services (DHFS) to promulgate rules to specify minimum staffing standards that instead are based on ratios between the numbers of registered nurses, licensed practical nurses, and certified nurse's assistants (as defined in the bill) on duty in a nursing home during morning, afternoon, and evening shifts and the number of residents of the nursing home. By July 1, 2003, minimum nursing home staffing requirements under current law are eliminated, and DHFS must convert those minimum staffing requirements to the minimum staffing standards specified in the DHFS rules, must provide training to DHFS staff on enforcement of the standards, and must assist nursing homes in implementing the standards. DHFS must, by January 1, 2003, report to

number of residents of a nursing home and the

2005

ASSEMBLY BILL 802

of care for physical or mental conditions that nursing home residents require

2005

2007

the governor and to the legislature concerning the status of the DHFS compliance with these requirements. By July 1, 2003, nursing homes must have on duty the number of registered nurses, licensed practical nurses, and certified nurse's assistants necessary to satisfy the minimum staffing standards specified in the DHFS rules. Support personnel and certain other nursing home staff may not be used for purposes of calculating the minimum staffing ratios.

file

Under the bill, DHFS must, by January 1, 2005, submit a report to the governor and to the legislature with recommendations as to methods by which nursing homes would be able more effectively to recruit and retain caregivers; proposed revised minimum nursing home staffing ratios that minimize additional state costs, maximize access to care, facilitate care of the highest quality, and take into account patient ~~activity~~ levels; and a proposed revised nursing home medical ~~assistant~~ reimbursement methodology. DHFS must develop the report after first referring to the most recent national research on nursing home staffing and consulting with specified persons and entities.

2006

Assistance Program

Also, under the bill, by July 1, 2004, and by July 1 every 48 months thereafter, the legislative audit bureau must perform a performance evaluation audit of the nursing home staffing requirements, investigate whether the staffing requirements should be based on a nursing home resident's ~~activity~~, and file a report of the audit with the governor and the legislature.

in part

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

the level of care for

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

physical or mental conditions that

requires

2006

SECTION 1. 13.94 (12) of the statutes is created to read:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10

13.94 (12) NURSING HOME STAFFING. By July 1, 2004, and by July 1 every 48 months thereafter, the legislative audit bureau shall perform a performance evaluation audit of the nursing home staffing requirements under s. 50.04 (2) and investigate whether the staffing requirements should be based on a nursing home resident's ~~activity~~. The legislative audit bureau shall consult advocates for nursing home residents, physicians, nurses, nursing home employees or their representatives, nursing home administrators, and other experts in the field of long-term care and shall consider current research and case data, as well as any other relevant resources, in assessing whether the staffing ratios are sufficient to

keep comma

the level of care for physical or mental conditions that

in part

ASSEMBLY BILL 802

1 meet the needs of nursing home residents. The legislative audit bureau shall file a
2 report of each audit with the legislature under s. 13.172 (3) and with the governor
3 no later than 30 days after completion of the audit.

4 **SECTION 2.** 50.02 (2) (bn) of the statutes is amended to read:

PWF
5
6
7

5 50.02 (2) (bn) The department may, by rule, increase the minimum hours of
6 ~~nursing home care per day staffing standards~~ that are specified in s. 50.04 (2) (d) 1.
7 to 3. (e).

8

SECTION 3. 50.04 (2) (d) of the statutes is repealed.

9 **SECTION 4.** 50.04 (2) (e) of the statutes is created to read:

10 50.04 (2) (e) 1. In this paragraph:

11 a. "Afternoon work shift" means the 8-hour work shift that begins immediately
12 after the morning shift.

13 b. "Certified nurse's assistant" means a nurse's assistant who meets the
14 requirements specified under 42 USC 1296r (b) (5) (A) to (E).

15 c. "Evening work shift" means the 8-hour work shift that begins immediately
16 after the afternoon work shift.

17 d. "Morning work shift" means the first 8-hour work shift that begins after
18 midnight.

19 2. The department shall promulgate rules that specify minimum staffing
20 standards that are based on ratios between the numbers of registered nurses on duty
21 in a nursing home per morning work shift, afternoon work shift, or evening work
22 shift and the number of residents of the nursing home, between the numbers of
23 licensed practical nurses on duty in a nursing home per morning work shift,
24 afternoon work shift, or evening work shift and the number of residents of the
25 nursing home, and between the numbers of certified nurse's assistants on duty in a

ASSEMBLY BILL 802

5.50.04 (2)

1 nursing home per morning work shift, afternoon work shift, or evening work shift
2 and the number of residents of the nursing home.

2005

3 3. By July 1, ~~2003~~, the department shall convert the minimum staffing
4 requirements specified in par. (d), ~~1999~~ ²⁰⁰¹ stats., to the minimum staffing standards
5 specified in subd. 2., shall provide training to staff on enforcement of the standards;
6 and shall assist nursing homes in implementing the standards.

7 4. By July 1, ~~2003~~, a nursing home, other than a nursing home that primarily
8 serves the developmentally disabled, shall have on duty the number of registered
9 nurses, licensed practical nurses, and certified nurse's assistants necessary to satisfy
10 the minimum staffing standards developed by the department under subd. 2.

11 5. A registered nurse, licensed practical nurse, or certified nurse's assistant
12 who while on duty provides primarily support services, including food preparation,
13 housekeeping, laundry, or maintenance services, may not be counted for purposes of
14 calculating the minimum staffing ratios under subd. 2. A registered nurse who is
15 employed as a director of nursing, as an assistant director of nursing, or as the charge
16 nurse required under par. (b), may not be counted for purposes of calculating the
17 minimum staffing requirements under subd. 2. while he or she is performing the
18 duties of a director of nursing, assistant director of nursing, or charge nurse.

19 6. By January 1, ~~2005~~, after first referring to the most recent national research
20 on nursing home staffing and consulting with representatives of the nursing home
21 industry, labor unions that represent nursing home employees, advocates for elderly
22 and disabled persons, recognized experts with experience in long-term care
23 reimbursement, economists, the attorney general, the federal centers for medicare
24 and medicaid services, and other interested parties, the department shall submit a
25 report to the governor, and to the chief clerk of each house of the legislature for

2007

ASSEMBLY BILL 802

1 distribution to the legislature under s. 13.172 (2). The report shall contain all of the
2 following recommendations:

3 a. Proposed methods by which nursing homes are able more effectively to
4 recruit and retain caregivers.

of care for physical or mental conditions that nursing home residents require

5 b. Proposed revised minimum nursing home staffing ratios that minimize
6 additional state costs, maximize access to care, facilitate care of the highest quality,
7 and take into account patient activity levels.

8 c. A proposed revised nursing home medical assistance reimbursement
9 methodology that more effectively promotes resident care of high quality, advances
10 wages and benefits for nursing home workers, supports nursing home provider
11 compliance with applicable state statutes and rules and federal statutes and
12 regulations, and encourages administrative efficiency.

SECTION 5. Nonstatutory provisions.

14 (1) NURSING HOME STAFFING STANDARDS; RULES. The department of health and
15 family services shall submit in proposed form the rules required under section 50.02
16 (2) (e) of the statutes, as ~~affected~~ *created* by this act, to the legislative council staff under
17 section 227.15 (1) of the statutes no later than the first day of the 13th month
18 beginning after the effective date of this subsection.

19 (2) NURSING HOME STAFFING STANDARDS; REPORT. By January 1, ~~2003~~ *2005*, the
20 department of health and family services shall report to the legislature in the
21 manner provided under section 13.172 (3) of the statutes and to the governor
22 concerning the status of the department's compliance with the requirements of
23 section 50.04 (2) (e) 3. of the statutes, as *created* by this act.

24 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

ASSEMBLY BILL 802

1 (1) NURSING HOME STAFFING STANDARDS. The treatment of sections 50.02 (2) (bn) ✓
2 and 50.04 (2) (d) of the statutes takes effect on July 1, ~~2003~~ (2005) ✓

3 (END)

D-NOTE

D-NOTE

:Kmg:

For this bill,
I have updated each date specified in 2001 Assembly
Bill 802 by ~~one~~^{two} years; is that what you want?

Also, after consulting with Christian, I changed
"acuity" in the first sentence of s. 13.94(12) to be "the
level of care for physical or mental conditions that
a nursing home resident requires." I made this
change because, under 2001 Assembly Bill 802,
the legislative audit bureau (LAB) was required to
investigate whether nursing home staffing requirements
should be based on a nursing home resident's
acuity alone. "Acuity" is defined in the Meriam
Webster's Collegiate Dictionary, Tenth Edition (1993)
as "Keeness of perception; sharpness." Because
the word is otherwise undefined in the statutes,
it is likely that a court would use this meaning
in interpreting s. 13.94(12), and, as worded, LAB

would be required to investigate whether staffing requirements should be based only on a resident's mental agility and not also on a resident's physical condition. I made a like change to s. 50.04(2)(e) b.f. (b)

lastly, also after consulting with Christian, I added "in part" to the first sentence of s. 13.94(12). This change requires LAB to look at options other than ^{just} a nursing home resident's level of care requirements in determining staffing requirements.

If you have any questions about the draft, or if I may ^{help} ~~help~~ you in any other way, please let me know.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0284/1dn
DAK:kmg:pg

November 6, 2002

For this bill, I have updated each date specified in 2001 Assembly Bill 802 by two years; is that what you want?

Also, after consulting with Christian, I changed "acuity" in the first sentence of s. 13.94 (12) to be "the level of care for physical or mental conditions that a nursing home resident requires." I made this change because, under 2001 Assembly Bill 802, the legislative audit bureau (LAB) was required to investigate whether nursing home staffing requirements should be based on a nursing home resident's acuity alone. "Acuity" is defined in the *Merriam Webster's Collegiate Dictionary, Tenth Edition* (1993) as "keenness of perception; sharpness." Because the word is otherwise undefined in the statutes, it is likely that a court would use this meaning in interpreting s. 13.94 (12), and, as worded, LAB would be required to investigate whether staffing requirements should be based only on a resident's mental agility and not also on a resident's physical condition. I made a like change to s. 50.04 (2) (e) 6. b.

Lastly, also after consulting with Christian, I added "in part" to the first sentence of s. 13.94 (12). This change requires LAB to look at options other than just a nursing home resident's level of care requirements in determining staffing requirements.

If you have any questions about the draft, or if I may help you in other way, please let me know.

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

Kennedy, Debora

From: Rep.Krusick
Sent: Monday, January 13, 2003 2:41 PM
To: Kennedy, Debora
Subject: Revision request for LRB-0248/1 -0284/1

Please add a provision to my nursing home staffing bill (LRB-0248/1) that would require a nursing home study as described on the attached page.

This study was originally proposed in the 1990 mini-budget but eventually vetoed by the Governor.

Just call with any questions. Thanks.

Peggy Krusick
6-1733



NH Study
(1990).pdf

1990

6. MA: Nursing Home Study

Sections 102m and 103m

These sections require the Department of Health and Social Services (DHSS) to submit to the Legislature on each January 1 from 1991 to 1994 reports which must include the information from the preceding year for each nursing home on the following: average wage and fringe benefit costs, cost of outside purchased nursing services, staff turnover, total revenues and expenses, staff training and continuing education costs, and Chapter 50 violations and related information. In addition, DHSS is to recommend ways for facilities to reduce their reliance on outside purchased nursing services.

I am vetoing these reporting provisions in their entirety because they would require a significant increase in DHSS' workload, which DHSS should not be expected to handle in the absence of additional resources provided for this purpose.

SB 542

1989 Act 336



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0284/2

DAK:kmg:ps

D-NOTE

2003 BILL

1 AN ACT *to repeal* 50.04 (2) (d); *to amend* 50.02 (2) (bn); and *to create* 13.94 (12)
2 and 50.04 (2) (e) of the statutes; **relating to:** minimum staffing requirements
3 for nursing homes that do not primarily serve the developmentally disabled,
4 requiring audits by the Legislative Audit Bureau, requiring reports, and
5 requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Current law requires a nursing home that does not primarily serve the developmentally disabled to provide each resident of the nursing home a minimum number of hours of nursing care per day according to the level of nursing care that the resident requires. These minimum hours must be provided by a registered nurse, licensed practical nurse, or nurse's assistant.

This bill requires the Department of Health and Family Services (DHFS) to promulgate rules to specify minimum staffing standards that instead are based on ratios between the number of residents of a nursing home and the numbers of registered nurses, licensed practical nurses, and certified nurse's assistants (as defined in the bill) on duty in the nursing home during morning, afternoon, and evening shifts. By July 1, 2005, minimum nursing home staffing requirements under current law are eliminated, and DHFS must convert those minimum staffing requirements to the minimum staffing standards specified in the DHFS rules, must provide training to DHFS staff on enforcement of the standards, and must assist nursing homes in implementing the standards. DHFS must, by January 1, 2005,

BILL

report to the governor and to the legislature concerning the status of the DHFS compliance with these requirements. By July 1, 2005, nursing homes must have on duty the number of registered nurses, licensed practical nurses, and certified nurse's assistants necessary to satisfy the minimum staffing standards specified in the DHFS rules. Support personnel and certain other nursing home staff may not be used for purposes of calculating the minimum staffing ratios.

Under the bill, DHFS must, by January 1, 2007, submit a report to the governor and to the legislature with recommendations as to methods by which nursing homes would be able more effectively to recruit and retain caregivers; proposed revised minimum nursing home staffing ratios that minimize additional state costs, maximize access to care, facilitate care of the highest quality, and take into account the levels of care for physical or mental conditions that nursing home residents require; and a proposed revised nursing home Medical Assistance Program reimbursement methodology. DHFS must develop the report after first referring to the most recent national research on nursing home staffing and consulting with specified persons and entities.

Also, under the bill, by July 1, 2006, and by July 1 every 48 months thereafter, the Legislative Audit Bureau must perform a performance evaluation audit of the nursing home staffing requirements, investigate whether the staffing requirements should be based in part on the level of care for physical or mental conditions that a nursing home resident requires, and file a report of the audit with the governor and the legislature.

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.** 13.94 (12) of the statutes is created to read:
- 2 13.94 (12) NURSING HOME STAFFING. By July 1, 2006, and by July 1 every 48
- 3 months thereafter, the legislative audit bureau shall perform a performance
- 4 evaluation audit of the nursing home staffing requirements under s. 50.04 (2) and
- 5 investigate whether the staffing requirements should be based in part on the level
- 6 of care for physical or mental conditions that a nursing home resident requires. The
- 7 legislative audit bureau shall consult advocates for nursing home residents,
- 8 physicians, nurses, nursing home employees or their representatives, nursing home
- 9 administrators, and other experts in the field of long-term care and shall consider

✓
INSERT
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1 current research and case data, as well as any other relevant resources, in assessing
2 whether the staffing ratios are sufficient to meet the needs of nursing home
3 residents. The legislative audit bureau shall file a report of each audit with the
4 legislature under s. 13.172 (3) and with the governor no later than 30 days after
5 completion of the audit.

✓
INSERT
3-5
6 **SECTION 2.** 50.02 (2) (bn) of the statutes is amended to read:

7 50.02 (2) (bn) The department may, by rule, increase the minimum hours of
8 nursing home care per day staffing standards that are specified in s. 50.04 (2) (d) 1.
9 to 3. (e).

10 **SECTION 3.** 50.04 (2) (d) of the statutes is repealed.

11 **SECTION 4.** 50.04 (2) (e) of the statutes is created to read:

12 50.04 (2) (e) 1. In this paragraph:

13 a. “Afternoon work shift” means the 8-hour work shift that begins immediately
14 after the morning shift.

15 b. “Certified nurse’s assistant” means a nurse’s assistant who meets the
16 requirements specified under 42 USC 1296r (b) (5) (A) to (E).

17 c. “Evening work shift” means the 8-hour work shift that begins immediately
18 after the afternoon work shift.

19 d. “Morning work shift” means the first 8-hour work shift that begins after
20 midnight.

21 2. The department shall promulgate rules that specify minimum staffing
22 standards that are based on ratios between the numbers of registered nurses on duty
23 in a nursing home per morning work shift, afternoon work shift, or evening work
24 shift and the number of residents of the nursing home, between the numbers of
25 licensed practical nurses on duty in a nursing home per morning work shift,

BILL

1 afternoon work shift, or evening work shift and the number of residents of the
2 nursing home, and between the numbers of certified nurse's assistants on duty in a
3 nursing home per morning work shift, afternoon work shift, or evening work shift
4 and the number of residents of the nursing home.

5 3. By July 1, 2005, the department shall convert the minimum staffing
6 requirements specified in s. 50.04 (2) (d), 2001 stats., to the minimum staffing
7 standards specified in subd. 2., shall provide training to staff on enforcement of the
8 standards, and shall assist nursing homes in implementing the standards.

9 4. By July 1, 2005, a nursing home, other than a nursing home that primarily
10 serves the developmentally disabled, shall have on duty the number of registered
11 nurses, licensed practical nurses, and certified nurse's assistants necessary to satisfy
12 the minimum staffing standards developed by the department under subd. 2.

13 5. A registered nurse, licensed practical nurse, or certified nurse's assistant
14 who while on duty provides primarily support services, including food preparation,
15 housekeeping, laundry, or maintenance services, may not be counted for purposes of
16 calculating the minimum staffing ratios under subd. 2. A registered nurse who is
17 employed as a director of nursing, as an assistant director of nursing, or as the charge
18 nurse required under par. (b), may not be counted for purposes of calculating the
19 minimum staffing requirements under subd. 2. while he or she is performing the
20 duties of a director of nursing, assistant director of nursing, or charge nurse.

21 6. By January 1, 2007, after first referring to the most recent national research
22 on nursing home staffing and consulting with representatives of the nursing home
23 industry, labor unions that represent nursing home employees, advocates for elderly
24 and disabled persons, recognized experts with experience in long-term care
25 reimbursement, economists, the attorney general, the federal centers for medicare

BILL

1 and medicaid services, and other interested parties, the department shall submit a
2 report to the governor, and to the chief clerk of each house of the legislature for
3 distribution to the legislature under s. 13.172 (2). The report shall contain all of the
4 following recommendations:

5 a. Proposed methods by which nursing homes are able more effectively to
6 recruit and retain caregivers.

7 b. Proposed revised minimum nursing home staffing ratios that minimize
8 additional state costs, maximize access to care, facilitate care of the highest quality,
9 and take into account the levels of care for physical or mental conditions that nursing
10 home residents require.

11 c. A proposed revised nursing home medical assistance reimbursement
12 methodology that more effectively promotes resident care of high quality, advances
13 wages and benefits for nursing home workers, supports nursing home provider
14 compliance with applicable state statutes and rules and federal statutes and
15 regulations, and encourages administrative efficiency.

SECTION 5. Nonstatutory provisions.

17 (1) NURSING HOME STAFFING STANDARDS; RULES. The department of health and
18 family services shall submit in proposed form the rules required under section 50.02
19 (2) (e) of the statutes, as created by this act, to the legislative council staff under
20 section 227.15 (1) of the statutes no later than the first day of the 13th month
21 beginning after the effective date of this subsection.

22 (2) NURSING HOME STAFFING STANDARDS; REPORT. By January 1, 2005, the
23 department of health and family services shall report to the legislature in the
24 manner provided under section 13.172 (3) of the statutes and to the governor

BILL

1 concerning the status of the department's compliance with the requirements of
2 section 50.04 (2) (e) 3. of the statutes, as created by this act.

3 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) **NURSING HOME STAFFING STANDARDS.** The treatment of sections 50.02 (2) (bn)
6 and 50.04 (2) (d) of the statutes takes effect on July 1, 2005.

7 (END)

D-NOTE

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0284/2ins
DAK:kmg:pg

INSERT A ✓

Lastly, under the bill, DHFS must submit to the legislature by each January 1 from 2004 to 2007 a report that includes information from the preceding year for each nursing home on average wage and fringe benefit costs, costs of non-employee purchased nursing services, staff turnover, total revenue and expenses, staff training and continuing education costs, and law violations and related information. Each report must also include recommendations by DHFS for ways by which nursing homes may reduce their reliance on non-employee purchased nursing services.

INSERT 3-5

1 SECTION 1. 49.45 (6m) (a) 3m. of the statutes is created to read:

2 49.45 (6m) (a) 3m. "Licensed practical nurse" means a nurse who is licensed
3 or has a temporary permit under s. 441.10. ✓

4 SECTION 2. 49.45 (6m) (a) 4m. of the statutes is created to read:

5 49.45 (6m) (a) 4m. "Nurse's assistant" has the meaning given in s. 146.40 (1)
6 (d). ✓

7 SECTION 3. 49.45 (6m) (a) 6. of the statutes is created to read:

8 49.45 (6m) (a) 6. "Registered nurse" means a nurse who has a certificate of
9 registration under s. 441.06 or a temporary permit order under s. 441.08. ✓

10 SECTION 4. 49.45 (6m) (m) of the statutes is created to read:

11 49.45 (6m) (m) By January 1, 2004, 2005, 2006, and 2007, the department shall
12 submit a report to the chief clerk of each house of the legislature, for distribution to
13 the legislature under s. 13.172 (2), that shall include all of the following: ✓

14 1. For the preceding calendar year for each facility:

15 a. The staff turnover rate for registered nurses, licensed practical nurses, and
16 nurse's assistants employed by the facility.

17 b. The average hourly wage and fringe benefit costs, including specific
18 unemployment compensation and worker's compensation costs, for registered

non-employee

1 nurses, licensed practical nurses, nurse's assistants, dietary staff, housekeeping
2 staff, and laundry staff employed by the facility and the average hourly cost for
3 ~~costs~~ purchased services, if any, of registered nurses, licensed practical nurses,
4 and nurse's assistants.

the

5 c. Total revenues and expenses, total net income after taxes, expenses for each
6 of the facility's cost centers under par. (am), medical assistance reimbursement rate
7 and method of calculation, number of patient beds, and number of patient days.

8 d. Total cost of recruiting, screening, educating, and training the nursing staff
9 of the facility.

10 e. Any correlation that may be shown between the number of notices of
11 violations for class "A," "B," or "C" violations received under s. 50.04 by a facility, if
12 any, and the frequency of use by the facility of non-employee purchased services of
13 registered nurses, licensed practical nurses, or nurse's assistants.

14 2. Recommendations of the department for incentives for facilities to reduce
15 reliance on non-employee purchased services of registered nurses, licensed practical
16 nurses, or nurse's assistants.

D-NOTE

: King:

To Representative Kresick: , the more specific term

Note that I substituted "nonemployee"

for "outside" in s. 19.45(6m)(^m~~m~~) 1. b. and c. and 2.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0284/2dn
DAK:kmg:cph

January 15, 2003

To Representative Krusick:

Note that I substituted the more specific term "nonemployee" for "outside" in s. 49.45 (6m) (m) 1. b. and e. and 2.

Debora A. Kennedy
Managing Attorney
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Mentkowski, Annie

From: Moran, Christian
Sent: Tuesday, March 11, 2003 12:33 PM
To: LRB.Legal
Subject: Draft review: LRB-0284/2 Topic: Minimum staffing requirements for nursing homes

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-0284/2 Topic: Minimum staffing requirements for nursing homes