

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SB44)**

Received: **04/28/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**

By/Representing: **Stoller**

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:

Carbon copy (CC:) to:

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**Pre Topic:**

LFB:.....Stoller -

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**Topic:**

Eliminate surcharge on forfeitures for nursing homes and C-BRFs

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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>
/?	dkennedy 04/29/2003	kgilfoy 04/29/2003		_____			
/1			jfrantze 04/29/2003	_____	sbasford 04/29/2003		

FE Sent For:

**<END>**

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1?	dkennedy	1-4/29 kmg	104/29	Self 4/29			

FE Sent For:

<END>

**Kennedy, Debora**

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**From:** Morgan, Charlie  
**Sent:** Thursday, April 24, 2003 6:11 PM  
**To:** Kennedy, Debora  
**Cc:** Stoller, Jessica  
**Subject:** FW: Drafting Request

-----Original Message-----

**From:** Stoller, Jessica  
**Sent:** Thursday, April 24, 2003 5:08 PM  
**To:** Morgan, Charlie  
**Subject:** Drafting Request

Debora,

I have a few drafting requests for you. JFC took up several Care and Treatment Facilities and Division of Supportive Living items today that will require statutory changes, including:

Paper #422: The JFC adopted alternative 2 and the following motion related to outpatient competency examinations. The motion deletes the Governor's provision that would limit DHFS' responsibility for conducting competency examinations to



js outpatient comp  
delete.doc...

defendants in a jail or locked facility.

and Item #8 (page 267 LFB Summary document): The JFC voted to delete the entire provision, but to support a motion that would require DHFS to reduce the number of nursing home surveyor positions it employs each year based on the percentage decrease in the total number of facilities from December 31 of the previous fiscal year as compared to December 31 of the year before that. I will FAX you a copy of the motion that was adopted by the JFC. Consequently, I would like two drafts -- one that deletes the Governor's draft (0203/3) and one that would implement motion #331 (FAXED to you)

*Please let me know if you have any questions on these items.*

*Jessica Stoller  
Legislative Fiscal Bureau Analyst  
Jessica.Stoller@legis.state.wi.us  
(608)266-3847*

03-0201 and 03-0203

to the MA benefits appropriation. Permit a county at any time to expend funds that DHFS distributes to the county, consistent with the requirements of the use of the funds. Under current law, these funds may be used for: (a) mental health care and treatment in an inpatient facility for children with SED; and (b) community mental health services for children with SED.

Integrated service projects provide integrated services, also referred to as "wraparound services," that focus on the strengths and needs of the child and family and "wrapping" services around them to treat and support families in the community. The program serves children under 18 years of age who: (a) have a serious emotional disturbance; (b) have minimal coping skills to meet the ordinary demands of family life, school, and the community; and (c) are involved in two or more service systems, including mental health, child welfare, or juvenile justice. Currently, 27 counties in Wisconsin have ISP programs.

[Bill Sections: 1167 thru 1171]

**8. HEALTH FACILITY REGULATION AND PENALTIES**

Funding Positions		
PR	\$87,000	1.00

**Governor:** Provide \$41,800 in 2003-04 and \$45,200 in 2004-05 and 1.0 regulatory specialist position, beginning in 2003-04, for the Bureau of Quality Assurance to address the backlog relating to assessing forfeitures on nursing homes for violations of license and certification standards.

*Create Forfeiture Surcharge.* Require DHFS to levy a surcharge equal to 6% of the amount of any forfeiture DHFS imposes for statutes relating to nursing home violations and rules promulgated under those statutes. Specify that if multiple violations are involved, the forfeiture surcharge would be based on the total forfeitures for all violations. Require DHFS to credit all forfeiture surcharge revenue to a current appropriation that supports the Department's regulation of nursing homes. The additional regulatory specialist position would be funded from this source.

Specify that the current statutes that apply to the assessment of forfeitures and timely payment of forfeitures would also apply to nursing home forfeiture surcharges, including: (a) the requirement that DHFS send a notice to the facility in violation indicating the amount of the forfeiture and surcharge, the alleged violation, and the licensee's right to a fair hearing; and (b) the requirement that facilities remit forfeiture and forfeiture surcharges to DHFS within 10 days of receipt of notice or within 10 days of receipt of the final decision if the violation is contested

*Increase Penalties for CBRF Violations.* Increase the maximum forfeiture DHFS can impose on a community-based residential facility (CBRF) from \$1,000 per violation to \$10,000 per violation.

Under current law, licensing and support service revenues fund health facility plan and rule development activities, facility accreditation, capital construction and remodeling plan reviews, technical assistance, and associated licensing and support costs. Forfeitures are assessed on facilities for violating licensing and certification standards and submitted to the

State Treasurer for deposit in the common school fund. Forfeitures assessed to CBRFs currently range from \$10 to \$1,000 for each violation, while nursing home forfeiture amounts vary.

[Bill Sections: 473, 1465, and 1469 thru 1471]

**9. ADVISORY COMMITTEE TO DEVELOP RECOMMENDATIONS REGARDING RESTRUCTURING THE HUMAN SERVICES SYSTEM**

**Governor:** Require the DHFS Secretary to appoint an advisory committee to develop recommendations concerning restructuring the system under which publicly administered human services and social services programs are funded. Specify that the committee would consist of all of the following: (a) consumers of human services and social services and family members of consumers; (b) human services and social services advocacy organizations; (c) representatives of county governments and associations; (d) representatives of human services and social services provider organizations; and (e) state residents.

Require this advisory committee to consider all of the following goals in developing its recommendations: (a) achieving greater equity and consistency of human services and social services across the state; (b) affirming a human services and social services system that is publicly administered at the local level; (c) fostering human services and social services consumer-directed care; and (d) enhancing accountability for effective, efficient delivery of human services and social services within available resources.

Require the DHFS Secretary to submit, by October 1, 2004, a report to the Legislature and the Governor that presents the considerations and recommendations of the advisory committee.

[Bill Section: 9124(9)]

**10. INTERPRETER SERVICES**

**Governor:** Transfer \$100,000 GPR annually that currently funds interpreter services for hearing-impaired individuals from a state operations appropriation to an aids appropriation that currently funds telecommunications assistance for hearing-impaired individuals. Modify the current aids appropriation to authorize DHFS to make payments for interpreter services from the appropriation.

[Bill Sections: 475 and 1143]

**11. INPATIENT HEALTH CARE FACILITY REVENUES**

**Governor:** Increase, from \$309,300 in 2002-03 to \$334,800 in 2003-04 and to \$338,200 in 2004-05, the amount of health care facility fee revenues that would support the Department's vital records and health services regulation activities. Delete references to fiscal year 2001-02 and 2002-03 allocation amounts.



LFB:.....Stoller - Eliminate surcharge on forfeitures for nursing homes and  
c-brfs h.c.

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2003 SENATE BILL 44

Tip Request Sheet

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 376, line 6: delete lines 6 and 7 and substitute: "credited to the  
3 appropriation account under sub. (4) (gm), shall be credited to this".

4 ✓ 2. Page 377, line 2: delete lines 2 and 3 and substitute: "credited to the  
5 appropriation account under sub. (4) (gm), shall be credited to this".

6 ✓ 3. Page 636, line 23: delete the material beginning with that line and ending  
7 with page 637, line 2.

8 ✓ 4. Page 637, line 25: delete the material beginning with that line and ending  
9 with page 638, line 24.

10 → Ins. KA-1  
(END)

50-03  
(59)(c)

5004  
(5)(bmt),  
(C)(A)

Ins. KA-1

#. Page 639, line 1: delete lines 1 to 10 and substitute:  
review, unless the final decision is appealed and the order is stayed by court order.

The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

SECTION 106. 50.035 (11) (d) of the statutes is amended to read:

50.035 (11) (d) All forfeitures shall be paid to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under par. (c), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order.

The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.

" SECTION ~~107~~ <sup>1472b</sup>. 50.04 (5) (f) of the statutes is amended to read:

50.04 (5) (f) *Forfeitures paid within 10 days.* All forfeitures shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under s. 50.03 (11). The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund. "

~~SECTION 108. 50.38 (4) of the statutes is amended to read:~~

~~50.38 (4) All forfeitures shall be paid to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under sub. (3), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order. The department shall remit all forfeitures paid to the ~~state treasurer~~ secretary of administration for deposit in the school fund.~~

#. Page 1136, line 15: delete "(by SECTION 1472)".





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBb0113/1  
DAK:kmg:jf

LFB:.....Stoller – Eliminate surcharge on forfeitures for nursing homes and  
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