



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 02/21/2005 (Per: DAK)



- ☛ The 2005 drafting file for LRB 05-0029/2
- ☛ The 2005 drafting file for LRB 05-0030/1
- ☛ The 2005 drafting file for LRB 05-0032/1
- ☛ The 2005 drafting file for LRB 05-0034/1
- ☛ The 2005 drafting file for LRB 05-1701/1
- ☛ The 2005 drafting file for LRB 05-2109/P1

has been copied/added to the 2005 drafting file for

LRB 05-0035

☛ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☛ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

Pt. 02 of 03

2005 DRAFTING REQUEST

Bill

Received: 08/25/2004

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: Board on Aging and Long-Term Car

Addl. Drafters:

Subject: Health - long-term care

Extra Copies: RLR

Submit via email: YES

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

Carbon copy (CC:) to: robin.ryan@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Provision of home and community-based services under CIP II to persons relocated from facilities (life lease program)

Instructions:

Same as AB 920 (03-4038)

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 10/07/2004 | jdye 11/01/2004 | | _____ | | | S&L |
| /1 | | | rschlue 11/01/2004 | _____ | lnorthro 11/01/2004 | | |

FE Sent For:

<END>

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| /? | dkennedy | | | | | | |
|----|----------|--|--|--|--|--|--|

<END>

FE Sent For:

George: elim. of 132

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

Make effective day after enactment
of budget act

8/10/04 Mtg. w/ Rep Kinnick
Dick Sweet, George Potvin, Tom Francis, Charlie Morgan, Jessica
Staller,

① Redraft 03-0290/6

② " 03-0284/2 - NH Staffing ratios

③ - fit & qualified - was amendment
looks at char. of owners to Pettis'
fiscal stability bill AB 842
+ conditional license provision
George will provide

④ Pope-Roberts
Money follows person - was taken out of
AB 920 - life lease
George - NHs want to be the case managers for the money

⑤ Senior Care for disabled
under 65 - Charlie: wd cost dozens of millions
Charlie - Senior Care for 1/1/2006 - operates under MA waiver
right now

Medicare - MA benefits will no longer have MA drug coverage -
will go on Medicare - Part B ^{D?} as of 1/1/06

CM will do fiscal report on before draft request is
made

⑥ Reduce deductible for Senior Care to \$650; is now
~~\$850~~ \$850

Add request

Report from DHS to Legis?

⑦ MA discrimination 03-0281

MA certified facil - can be avail to MA or priv. pay
Medicare - certified beds can only serve Medicare pts.

Tom Frasin. ⑧ St driver's license ^{for everyone} 4 yrs. instead of 8 yrs
X (see Wasserman's bill) -
Group will talk together

⑨ Legal services benefit specialist program
CWAG (Frasin): legal backup for 65/72 cos.
X Need \$ for services
supervision

Tom will give Charlie M. a proposal
Cos now do not have 1 full-time (Ben Spc.)
Perhaps fund

CWAG ⑩ MA - possible \$ from cigarette tax
X Tax on ^{cigs} .85 / pack = \$300 mil. Current def is \$215-220 mil.

George. ⑪ Expand BOALTC volunteers - 6cos in SE
Civil monetary penalty fund
X (CMP) Central Fox River Valley

[Amnt to AB 8+2 - ~~pick~~ introduce as our bill
(makes assessment avail. for BOALTC expand).

Rep. Krasick ⑫ 100.131? 100.31 Drug-price discrimination
X Must charge everyone same price, but can have
volume discounts - need clarifying language
Dick Sweet familiar w/ this - DATCP putting out white
paper - Frasin has differing legal opinion on whether can enforce the law

Krusick 2005 Aging Initiatives

Ombudsmen in Residential Care Apartment Complexes (AB 644)

- \$12 annual fee for each apartment
- RCAC residents get same rights as residents of nursing homes and CBRFs
- Each complex must post these rights in a prominent place and provide appropriate staff training to implement each resident's rights.

Nursing Home Staffing (AB 192)

- Convert from *hours* per resident day to a *ratios* of caregivers to residents for each work shift
- DHFS reports on:
 - (1) methods nursing homes can use to better recruit and retain caregivers;
 - (2) proposed new minimum nursing home staffing ratios that facilitate the highest quality resident care and maximize access to such care;
 - (3) a proposed new nursing home reimbursement formula that advance caregiver wages and benefits.
- Annual Audit Bureau report for each nursing home on wages, benefits, usage of pool help, staff turnover, total revenue and expenses, staff training, code violations and other related information.

Fit and Qualified (AA2 to AB 842)

- All long term care providers would be held to F & Q standards at initial license application and periodically throughout lifetime of license.
- Financial
 - Fiscal reserves should be sufficient to support a facility's needs for one year. (Currently nursing homes must have 6 months of financial reserves).
 - Regulators allowed to identify and follow links between local facilities and any parent corporations.

Ownership

- Includes all individual and corporate owners, regardless of where they're located.
- Out-of-state corporate owners must have operating unit located in Wisconsin in order to operate a facility.
- Requirements for owners should be created to ensure that they are of good character and professional competence.

Conditional license

- Period of heightened scrutiny increased from 12 to 30 months. Conditional licenses may be extended for only one additional term. (Currently there's no limit on license extensions). Conditional licenses are imposed for quality or fiscal concerns.

Pattern of noncompliance

- Exists when more than 25% of facilities owned by a corporation have fiscal problems or provide substandard care.

Life Lease (AB 920)

- Enhanced CIP II (Community Integration Program) funds follow nursing home resident from facility to community.
- Currently these enhanced CIP funds are only available if the program participant's nursing home bed is closed. The bill eliminates this requirement.
- Saves state Medicaid budget (GPR) almost \$700,000 for 2005 b/c community care is about \$33 cheaper a day per recipient.

Kennedy, Debora

From: Rep.Krusick
Sent: Wednesday, September 01, 2004 12:15 PM
To: Kennedy, Debora
Subject: Bill drafting request (long-term care package)

Debora,

As discussed at our meeting of August 10, please draft the following legislation as one Assembly bill for the 2005-06 session. At this point, the only addition will be a provision relating to the benefit specialists program. Draft language is being prepared.

- Life Lease (2003 AB 920)
- Fit and Qualified (AA2 to 2003 AB 842)
- Nursing Home Staffing (2003 AB 192)
- Ombudsmen in Residential Care Apartment Complexes (2003 AB 644)
- Medicaid Discrimination (2003 AB 241)
- Nursing Home Forfeitures (2003 AB 842 as amended by AA1)
- Extending SeniorCare coverage to the disabled (2003 SB 114). Remove cigarette tax increase provision.
- Reducing SeniorCare deductible from \$850 to \$650.

Thanks. Just call with any questions.

Peggy
6-1733

SOON - In edit 10/7

LPS - please
PWF

2005-2006
2003-2004 LEGISLATURE

0032/1
LRB-4038/1-
DAK:ldg

keep

2003 ASSEMBLY BILL 920

March 2, 2004 - Introduced by Representatives POPE-ROBERTS, KRUSTICK, BOYLE, MILLER, BERCEAU, YOUNG and VRUWINK, cosponsored by Senators HANSEN and JAUCH. Referred to Joint Committee on Finance.

Regen

- 1 AN ACT to renumber 46.277 (1m) (a); to amend 46.277 (1), 46.277 (2) (intro.),
- 2 46.277 (3) (a), 46.277 (3) (b) 1., 46.277 (3) (b) 2., 46.277 (4) (a), 46.277 (4) (b),
- 3 46.277 (5) (g) and 46.277 (5g) (a); and to create 46.277 (1m) (ag) and 46.277 (4)
- 4 (c) of the statutes; relating to: provision of home and community-based
- 5 services under a community integration program to persons relocated from
- 6 facilities, during the period of the relocation.

Analysis by the Legislative Reference Bureau

Currently, the Department of Health and Family Services (DHFS) administers a Community Integration Program (commonly known as "CIP II"), under which Medical Assistance (MA) moneys are paid to counties to provide home and community-based services, under a waiver of federal Medicaid laws, to elderly and physically disabled persons who meet the level of care requirements for MA-reimbursed nursing home care or are relocated from facilities. DHFS must establish a uniform daily rate for CIP II and reimburse counties up to that rate for each person enrolled in CIP II. Under 2003 Wisconsin Act 33 (the biennial budget bill), DHFS may provide enhanced reimbursement for CIP II services for a person who is relocated to the community from a nursing home by a county after July 16, 2003, if the nursing home bed used by the person is delicensed upon the person's relocation.

This bill authorizes DHFS to provide CIP II funding for home and community-based services to an MA-eligible person who relocates from a facility to

26

ASSEMBLY BILL 920

the community. Reimbursement is not conditioned on delicensure of a nursing home bed upon the person's relocation. The funding begins on the date of the relocation and ends on the date that the person discontinues program participation or no longer meets the level of care requirements for MA reimbursement in a nursing home. Funding in the aggregate for these relocated persons may not exceed the total MA costs for the persons if served in nursing homes. DHFS may provide an enhanced reimbursement rate for the services. The total number of persons who may participate in this particular aspect of CIP II is not restricted by limitations on numbers participating in the remainder of CIP II. ✓

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.** 46.277 (1) ✓ of the statutes is amended to read:

2 46.277 (1) LEGISLATIVE INTENT. The intent of the program under this section is
3 to provide home or community-based care to serve in a noninstitutional community
4 setting a person who meets eligibility requirements under 42 USC 1396n (c) and is
5 relocated from an institution other than a state center for the developmentally
6 disabled or meets the level of care requirements for medical assistance
7 reimbursement in a skilled nursing facility or an intermediate care facility, except
8 that the number of persons who receive home or community-based care under this
9 section is not intended, ✓ other than under sub. (4) (c), to exceed the number of nursing
10 home beds that are delicensed as part of a plan submitted by the facility and
11 approved by the department. The intent of the program is also that counties use all
12 existing services for providing care under this section, including those services
13 currently provided by counties.

14 **SECTION 2.** 46.277 (1m) (a) ✓ of the statutes is renumbered 46.277 (1m) ✓ (ak).

15 **SECTION 3.** 46.277 (1m) (ag) ✓ of the statutes is created to read:

ASSEMBLY BILL 920

1 46.277 (1m) (ag) "Delicensed" means deducted from the number of beds stated
2 on a facility's license, as specified under s. 50.03 (4) (e).

3 **SECTION 4.** 46.277 (2) (intro.) of the statutes is amended to read:

4 46.277 (2) DEPARTMENTAL POWERS AND DUTIES. (intro.) The department may
5 request a waiver from the secretary of the federal department of health and human
6 services, under 42 USC 1396n (c), authorizing the department to serve medical
7 assistance recipients, who meet the level of care requirements for medical assistance
8 reimbursement in a skilled nursing facility or an intermediate care facility, in their
9 communities by providing home or community-based services as part of medical
10 assistance. ~~The~~ Except under sub. (4) (c), the number of persons for whom the waiver
11 is requested may not exceed the number of nursing home beds that are delicensed
12 as part of a plan submitted by the facility and approved by the department. If the
13 department requests a waiver, it shall include all assurances required under 42 USC
14 1396n (c) (2) in its request. If the department receives this waiver, it may request
15 one or more 3-year extensions of the waiver under 42 USC 1396n (c) and shall
16 perform the following duties:

17 **SECTION 5.** 46.277 (3) (a) of the statutes is amended to read:

18 46.277 (3) (a) Sections 46.27 (3) (b) and 46.275 (3) (a) and (c) to (e) apply to
19 county participation in this program, except that services provided in the program
20 shall substitute for care provided a person in a skilled nursing facility or
21 intermediate care facility who meets the level of care requirements for medical
22 assistance reimbursement to that facility rather than for care provided at a state
23 center for the developmentally disabled. ~~The~~ Except in sub. (4) (c), the number of
24 persons who receive services provided by the program under this paragraph may not
25 exceed the number of nursing home beds, other than beds specified in sub. (5g) (b),

ASSEMBLY BILL 920

1 that are delicensed as part of a plan submitted by the facility and approved by the
2 department.

3 SECTION 6. [✓] 46.277 (3) (b) 1. of the statutes is amended to read:

4 46.277 (3) (b) 1. ~~If Except under sub.~~ [✓] (4) (c), if the provision of services under
5 this section results in a decrease in the statewide nursing home bed limit under s.
6 150.31 (3), the facility affected by the decrease shall submit a plan for delicensing all
7 or part of the facility that is approved by the department.

8 SECTION 7. [✓] 46.277 (3) (b) 2. of the statutes is amended to read:

9 46.277 (3) (b) 2. Each county department participating in the program shall
10 provide home or community-based care to persons eligible under this section, except
11 that the number of persons who receive home or community-based care under this
12 section may not exceed, ~~other than under sub.~~ [✓] (4) (c), the number of nursing home
13 beds, other than beds specified in sub. (5g) (b), that are delicensed as part of a plan
14 submitted by the facility and approved by the department.

15 SECTION 8. [✓] 46.277 (4) (a) of the statutes is amended to read:

16 46.277 (4) (a) Any medical assistance recipient who meets the level of care
17 requirements for medical assistance reimbursement in a skilled nursing facility or
18 intermediate care facility is eligible to participate in the program, except that the
19 number of participants may not exceed, ~~other than under~~ [✓] par. (c), the number of
20 nursing home beds, other than beds specified in sub. (5g) (b), that are delicensed as
21 part of a plan submitted by the facility and approved by the department. Such a
22 recipient may apply, or any person may apply on behalf of such a recipient, for
23 participation in the program. Section 46.275 (4) (b) applies to participation in the
24 program.

25 SECTION 9. [✓] 46.277 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 920

1 46.277 (4) (b) To the extent authorized under 42 USC 1396n and except under
2 par. (c), if a person discontinues participation in the program, a medical assistance
3 recipient may participate in the program in place of the participant who discontinues
4 if that recipient meets the level of care requirements for medical assistance
5 reimbursement in a skilled nursing facility or intermediate care facility, except that
6 the number of participants may not exceed the number of nursing home beds, other
7 than beds specified in sub. (5g) (b), that are delicensed as part of a plan submitted
8 by the facility and approved by the department.

9 **SECTION 10.** 46.277 (4) (c) of the statutes is created to read:

10 46.277 (4) (c) The department may, under this paragraph, provide funding
11 under this section for services for a medical assistance recipient who relocates from
12 a facility to the community, beginning on the date of the relocation and ending on the
13 date that the individual discontinues participation in the program or no longer meets
14 the level of care requirements for medical assistance reimbursement in a skilled
15 nursing facility or an intermediate care facility. Funding for medical assistance costs
16 for individuals relocated under this paragraph may not exceed, in the aggregate,
17 total medical assistance costs for the individuals if served in facilities. The total
18 number of individuals who may participate in the program under this paragraph is
19 not restricted by any otherwise applicable limitation on the number of individuals
20 who may participate in the program under this section.

21 **SECTION 11.** 46.277 (5) (g) of the statutes, ~~as created by 2003 Wisconsin Act 22,~~

22 is amended to read:

23 46.277 (5) (g) The department may provide enhanced reimbursement for
24 services provided under this section to an individual who is relocated to the
25 community from a nursing home by a county department on or after July 26, 2003,

ASSEMBLY BILL 920

1 if the nursing home bed that was used by the individual is delicensed upon relocation
2 of the individual or if the individual is relocated under sub. (4) (c). The department
3 shall develop and utilize a formula to determine the enhanced reimbursement rate.

4 **SECTION 12.** 46.277 (5g) (a) of the statutes is amended to read:

5 46.277 (5g) (a) The Except under sub. (4) (c), the number of persons served
6 under this section may not exceed the number of nursing home beds that are
7 delicensed as part of a plan submitted by the facility and approved by the
8 department.

9

(END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0032/1
DAK:jld:rs

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BILL

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BILL

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Bill

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By/Representing: Herself

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Subject: Health - medical assistance

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:

Medical Assistance discrimination; nursing homes and community-based residential facilities

Instructions:

Same as 03-0281

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 10/07/2004 | jdyer 11/01/2004 | | _____ | | | S&L |
| /1 | | | pgreensl 11/01/2004 | _____ | sbasford 11/01/2004 | | |

LRB-0034

11/01/2004 12:31:43 PM

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FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: 08/25/2004

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: **Board on Aging and Long-Term Car**

Addl. Drafters:

Subject: **Health - medical assistance**

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:

Medical Assistance discrimination; nursing homes and community-based residential facilities

Instructions:

Same as 03-0281

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|--------------|----------------|-----------------|--------------|-----------------|------------------|-----------------|-----------------|
| /? | dkennedy | 1/1 jld | 1/1 p8 | 1/1 p8 ch | | | |

FE Sent For:

<END>

Kennedy, Debora

From: Rep.Krusick
Sent: Wednesday, September 01, 2004 12:15 PM
To: Kennedy, Debora
Subject: Bill drafting request (long-term care package)

Debora,

As discussed at our meeting of August 10, please draft the following legislation as one Assembly bill for the 2005-06 session. At this point, the only addition will be a provision relating to the benefit specialists program. Draft language is being prepared.

- Life Lease (2003 AB 920)
- Fit and Qualified (AA2 to 2003 AB 842)
- Nursing Home Staffing (2003 AB 192)
- Ombudsmen in Residential Care Apartment Complexes (2003 AB 644)
- Medicaid Discrimination (2003 AB 241)
- Nursing Home Forfeitures (2003 AB 842 as amended by AA1)
- Extending SeniorCare coverage to the disabled (2003 SB 114). Remove cigarette tax increase provision.
- Reducing SeniorCare deductible from \$850 to \$650.

Thanks. Just call with any questions.

Peggy
6-1733

Krusick 2005 Aging Initiatives

Ombudsmen in Residential Care Apartment Complexes (AB 644)

- \$12 annual fee for each apartment
- RCAC residents get same rights as residents of nursing homes and CBRFs
- Each complex must post these rights in a prominent place and provide appropriate staff training to implement each resident's rights.

Nursing Home Staffing (AB 192)

- Convert from *hours* per resident day to a *ratios* of caregivers to residents for each work shift
- DHFS reports on:
 - (1) methods nursing homes can use to better recruit and retain caregivers;
 - (2) proposed new minimum nursing home staffing ratios that facilitate the highest quality resident care and maximize access to such care;
 - (3) a proposed new nursing home reimbursement formula that advance caregiver wages and benefits.
- Annual Audit Bureau report for each nursing home on wages, benefits, usage of pool help, staff turnover, total revenue and expenses, staff training, code violations and other related information.

Fit and Qualified (AA2 to AB 842)

- All long term care providers would be held to F & Q standards at initial license application and periodically throughout lifetime of license.
- Financial
 - Fiscal reserves should be sufficient to support a facility's needs for one year. (Currently nursing homes must have 6 months of financial reserves).
 - Regulators allowed to identify and follow links between local facilities and any parent corporations.

Ownership

- Includes all individual and corporate owners, regardless of where they're located.
- Out-of-state corporate owners must have operating unit located in Wisconsin in order to operate a facility.
- Requirements for owners should be created to ensure that they are of good character and professional competence.

Conditional license

- Period of heightened scrutiny increased from 12 to 30 months. Conditional licenses may be extended for only one additional term. (Currently there's no limit on license extensions). Conditional licenses are imposed for quality or fiscal concerns.

Pattern of noncompliance

- Exists when more than 25% of facilities owned by a corporation have fiscal problems or provide substandard care.

Life Lease (AB 920)

- Enhanced CIP II (Community Integration Program) funds follow nursing home resident from facility to community.
- Currently these enhanced CIP funds are only available if the program participant's nursing home bed is closed. The bill eliminates this requirement.
- Saves state Medicaid budget (GPR) almost \$700,000 for 2005 b/c community care is about \$33 cheaper a day per recipient.