

## 2005 ASSEMBLY BILL 296

1     **AN ACT** *to amend* 46.279 (2) and 46.279 (3) of the statutes; **relating to:**  
2             modifying certain restrictions on admissions to, protective placements in, or  
3             transfers to intermediate care facilities for the mentally retarded and nursing  
4             homes.

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*Analysis by the Legislative Reference Bureau*

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

5             **SECTION 1.** 46.279 (2) of the statutes is amended to read:  
6             46.279 (2) PLACEMENTS AND ADMISSIONS TO INTERMEDIATE FACILITIES. Except as  
7             provided in sub. (5), no person may protectively place or continue protective  
8             placement of an individual with a developmental disability in an intermediate  
9             facility and no intermediate facility may admit or continue service for such an  
10            individual unless, before the protective placement, continued placement following

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1 review under s. 55.06 (10), or admission and after having considered a plan  
2 developed under sub. (4), a court under s. 55.06 (9) (a) or (10) (a) 2. finds that  
3 protective placement in the intermediate facility is the most integrated setting that  
4 is appropriate to the needs of the individual or that the county of residence of the  
5 individual would not reasonably be able to provide community-based care in  
6 accordance with the plan within the limits of available state and federal funds and  
7 county funds required to be appropriated to match state funds, taking into account  
8 information presented by all affected parties. An intermediate facility to which an  
9 individual who has a developmental disability applies for admission shall, within 5  
10 days after receiving the application, notify the county department that is  
11 participating in the program under s. 46.278 of the county of residence of the  
12 individual who is seeking admission concerning the application.

13 **SECTION 2.** 46.279 (3) of the statutes is amended to read:

14 46.279 (3) PLACEMENTS AND ADMISSIONS TO NURSING FACILITIES. Except as  
15 provided in sub. (5), if the department or an entity determines from a screening  
16 under s. 49.45 (6c) (b) that an individual requires active treatment for developmental  
17 disability, no individual may be protectively placed in a nursing facility or have  
18 protective placement in a nursing facility continued following review under s. 55.06  
19 (10), and no nursing facility may admit or continue service for the individual, unless  
20 it is determined from the department or entity that conducts the screening  
21 determines that the individual's need for care cannot fully be met in an intermediate  
22 facility or under a plan under sub. (4) or that the county of residence of the individual  
23 would not reasonably be able to provide community-based care in accordance with

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1 the plan within the limits of available state and federal funds and county funds

2 required to be appropriated to match state funds.

3 (END)