

2007 DRAFTING REQUEST

Bill

Received: 11/16/2006

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - facility licensure

Extra Copies: DAK

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to:

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Pre Topic:

No specific pre topic given

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Topic:

Standards for facilities that claim to provide special care for persons with Alzheimer's disease

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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>
/?							State
/1	rryan 02/15/2007	wjackson 03/06/2007	rschluet 03/06/2007		lparisi 03/06/2007	cduerst 07/31/2007	

FE Sent For: "/1" AT INTRO. 8-29-07<END>

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/?	rryan	1 WLj 3/6					State

FE Sent For:

367

mn

<END>

1 AN ACT to create 50.04 (2u) of the statutes, relating to units within  
2 nursing homes for individuals with Alzheimer's disease or other  
3 dementias, granting rule-making authority and providing a penalty.

-----  
Analysis by the Legislative Reference Bureau

This bill prohibits a nursing home from holding itself out to the public as having a unit for the care or treatment of persons with Alzheimer's disease or other dementias unless the nursing home meets standards for the unit that are promulgated by rule by the department of health and social services (DHSS). Violations of the prohibition are punishable by DHSS as a class "C" nursing home violation (requiring an administrative forfeiture of not more than \$100). Under the bill, DHSS must promulgate rules, after consulting with certain specified entities and groups, that establish standards for units within nursing homes for persons with Alzheimer's disease or other dementias.

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:

4 SECTION 1. 50.04 (2u) of the statutes is created to read:

5 50.04 (2u) UNITS FOR ALZHEIMER'S DISEASE OR OTHER DEMENTIAS. (a) In  
6 this subsection:

7 1. "Alzheimer's disease" has the meaning given in s. 46.87 (1) (a).

8 2. "Dementia" means organic loss of human intellectual function.

9 (b) No nursing home may hold itself out as having a unit of the  
10 nursing home for the care and treatment of individuals with Alzheimer's

1 disease or other dementias unless the nursing home meets standards for the  
2 unit that are established by rule under par. (d).

3 (c) This subsection does not restrict a nursing home from accepting  
4 for residency an individual with end-stage Alzheimer's disease and pro-  
5 viding care and treatment to that individual in a unit for general care in  
6 which he or she is appropriately placed.

7 (d) The department shall promulgate rules establishing standards for  
8 units within nursing homes for the care and treatment of individuals with  
9 Alzheimer's disease or other dementias after consulting with all of the  
10 following:

- 11 1. A private nonprofit corporation that is awarded a grant under s.  
12 46.855.
- 13 2. Consumers of nursing home services.
- 14 3. Advocates of nursing home residents.
- 15 4. Representatives of the nursing home industry.

16 (e) Violation of par. (b) is a class "C" violation under sub. (4) (b)  
17 3.

18 SECTION 2. NONSTATUTORY PROVISIONS; HEALTH AND SOCIAL SERVICES. (1)  
19 NURSING HOME ALZHEIMER'S UNIT RULES. The department of health and social  
20 services shall submit in proposed form the rules required under section  
21 50.04 (2u) (d) of the statutes, as created by this act, to the legislative  
22 council staff under section 227.15 (1) of the statutes no later than March  
23 1, 1994.

24 SECTION 3. EFFECTIVE DATES. This act takes effect on September 1,  
25 1994, except as follows:

26 (1) The treatment of section 50.04 (2u) (d) of the statutes and  
27 SECTION 2 of this act take effect on the day after publication.

28 (End)

Christian for Rep. Kiusick

has 193 bill draft

wants rules on standards of care  
for persons w/ Alzheimer's

Apply to all facilities in 05-3744  
except home health agencies.

If facility holds self out as  
providing the services, must be  
licensed as such

include reps of all types of  
facilities in group DHTS must  
consult w/ in writing rule

2/13/07

Penalty - uniform or by <sup>current</sup> scheme for each  
facility? - \$500 for each type of facility

Delay effective date? Deadline for  
DHTS to submit proposed rules? Grant  
exception to emerg. rule procedure?

- give DHTS 6 mos. to  
submit

- grant auth. to do emerg. rule  
without finding of emergency.

3/8 cmh

In 2/15/07

WJ

2007 BILL

LPS: Please check auto-ref.

Gen

1 AN ACT ...; relating to: the care and treatment of persons with Alzheimer's

2 disease or related dementia in residential care facilities, requiring the exercise

3 of rule-making authority, and providing an exemption from emergency rule

4 procedures; and requiring the exercise of rule-making authority

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) licenses or certifies various types of residential care facilities. This bill requires DHFS to establish standards of care and treatment for people with Alzheimer's disease or related dementia. The bill prohibits nursing homes, community-based residential facilities, adult family homes, residential care apartment complexes and hospices from holding themselves out as providing special services for persons with Alzheimer's disease or related dementia unless DHFS determines that the facility satisfies the standards of care and treatment for people with Alzheimer's disease or related dementia.

For further information see the *state* 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:

5 SECTION 1. 50.02 (6) of the statutes is created to read:

## BILL

## SECTION 1

1           50.02 (6) STANDARDS FOR CARE OF PERSONS WITH ALZHEIMER'S DISEASE. (a) The  
2 department shall promulgate rules establishing standards for the care and  
3 treatment of persons who have Alzheimer's disease or related dementia that an adult  
4 family home under s. 50.01 (1) (b), residential care apartment complex,  
5 community-based residential facility, nursing home, or hospice<sup>as defined in s. 50.90 (1) 5</sup> must satisfy in order  
6 to hold itself out as providing special services for persons with Alzheimer's disease  
7 or related dementia.

8           (b) The department shall consult with all of the following before promulgating  
9 the rules required under par. (a):

10           1. The recipients of grants awarded under s. 46.856.

11           2. Representatives of adult family homes under s. 50.01 (1) (b), residential care  
12 apartment complexes, community-based residential facilities, nursing homes, and  
13 hospices.

14           3. Residents of adult family homes under s. 50.01 (1) (b), residential care  
15 apartment complexes, community-based residential facilities, nursing homes, and  
16 hospices.

17           4. Advocates for persons under subdivision 3.

18           **SECTION 2.** 50.033 (2p) of the statutes is created to read:

19           50.033 (2p) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. An adult family  
20 home may not hold itself out as providing special services for persons with  
21 Alzheimer's disease or related dementia unless the agency that licenses the adult  
22 family home under this section determines that the adult family homes satisfies the  
23 standards promulgated by rule under s. 50.02 (6).

24           **SECTION 3.** 50.033 (6) of the statutes is renumbered 50.033 (6) (a) and amended  
25 to read:

**BILL**

1           50.033 (6) (a) Any Except as provided under par. (b), any person who violates  
2 this section or rules promulgated under s. 50.02 (2) (am) 2. may be fined not more  
3 than \$500 or imprisoned for not more than one year in the county jail or both.

History: 1993 a. 327; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16.

4           **SECTION 4.** 50.033 (6) (b) of the statutes is created to read:

5           50.033 (6) (b) Any person who violates sub. (2p) may be required to forfeit not  
6 more than \$500.

7           **SECTION 5.** 50.034 (3m) of the statutes is created to read:

8           50.034 (3m) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A residential care  
9 apartment complex may not hold itself out as providing special services for persons  
10 with Alzheimer's disease or related dementia unless the department determines  
11 that the residential care apartment complex satisfies the standards promulgated by  
12 rule under s. 50.02 (6).

13           **SECTION 6.** 50.034 (8) (a) of the statutes is amended to read:

14           50.034 (8) (a) Whoever violates sub. (3m), (5m) or (5n) or rules promulgated  
15 under sub. (5m) or (5n) may be required to forfeit not more than \$500 for each  
16 violation.

History: 1995 a. 27; 1997 a. 13, 252; 1999 a. 9, 63, 185; 2001 a. 16; 2003 a. 33; 2005 a. 22.

17           **SECTION 7.** 50.035 (10m) of the statutes is created to read:

18           50.035 (10m) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A  
19 community-based residential facility may not hold itself out as providing special  
20 services for persons with Alzheimer's disease or related dementia unless the  
21 department determines that the community-based residential facility satisfies the  
22 standards promulgated by rule under s. 50.02 (6).

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



**BILL****SECTION 8**

1           50.035 (11) (a) Whoever violates sub. (4m) ~~or~~, (4n), or (10m) or rules  
2 promulgated under sub. (4m) or (4n) may be required to forfeit not more than \$500  
3 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; 2001 a. 16; 2003 a. 33.

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

5           50.04 (2x) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. (a) A nursing home  
6 may not hold itself out as providing special services for persons with Alzheimer's  
7 disease or related dementia unless the department determines that the nursing  
8 home satisfies the standards promulgated by rule under s. 50.02 (6).

9           (b) A violation of par. (a) is a class "C" violation under sub. (4) (b) 3.

10          **SECTION 10.** 50.935 of the statutes is created to read:

11          **50.935 Hospice care for persons with Alzheimer's disease.** A hospice  
12 may not hold itself out as providing special services for persons with Alzheimer's  
13 disease or related dementia unless the department determines that the hospice  
14 satisfies the standards promulgated by rule under s. 50.02 (6).

15          **SECTION 11.** 50.98 (1) of the statutes is renumbered 50.98 (1) (a) and amended  
16 to read:

17          50.98 (1) (a) Any Except as provided under par. (b), any person who violates this  
18 subchapter or rules promulgated under this subchapter may be required to forfeit  
19 not more than \$100 for the first violation and may be required to forfeit not more than  
20 \$200 for the 2nd or any later violation within a year. The period shall be measured  
21 using the dates of issuance of citations of the violations. Each day of violation  
22 constitutes a separate violation.

History: 1989 a. 199; 2003 a. 33.

23          **SECTION 12.** 50.98 (1) (b) of the statutes is created to read:



**Basford, Sarah**

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**From:** Moran, Christian

**Sent:** Monday, July 30, 2007 10:22 AM

**To:** LRB.Legal

**Subject:** please jacket LRB-0808/1 (Alzheimer's facilities) for Assembly introduction

Thanks,

Christian Moran  
Office of Representative Peggy Krusick  
State Capitol, 128 North  
Madison, WI 53708  
608-266-1733

07/30/2007