

**2007 DRAFTING REQUEST**

**Bill**

Received: **07/12/2007**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Connie Schulze**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Health - facility licensure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Community oversight of adult family homes

---

**Instructions:**

Require adult famiy homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

**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>
/?	gmalaise 07/12/2007	bkraft 07/16/2007		_____			S&L
/1			nmatzke 07/16/2007	_____	lparisi 07/16/2007		S&L
/2	gmalaise 07/19/2007	jdyer 07/19/2007	rschluet 07/19/2007	_____	lparisi 07/19/2007		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	gmalaise 08/10/2007	bkraft 08/13/2007	sherritz 08/14/2007	_____	lparisi 08/14/2007		S&L
/4	gmalaise 08/21/2007	bkraft 08/21/2007	nmatzke 08/21/2007	_____	mbarman 08/22/2007	cduerst 09/12/2007	

FE Sent For: "/4" AT INTRO. 9-19-07 <END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **07/12/2007**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Connie Schulze**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Health - facility licensure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Community oversight of adult family homes

---

**Instructions:**

Require adult famiy homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

**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>
/?	gmalaise 07/12/2007	bkraft 07/16/2007		_____			S&L
/1			nmatzke 07/16/2007	_____	lparisi 07/16/2007		S&L
/2	gmalaise 07/19/2007	jdye 07/19/2007	rschluet 07/19/2007	_____	lparisi 07/19/2007		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	gmalaise 08/10/2007	bkraft 08/13/2007	sherritz 08/14/2007	_____	lparisi 08/14/2007		S&L
/4	gmalaise 08/21/2007	bkraft 08/21/2007	nnatzke 08/21/2007	_____	mbarman 08/22/2007		

FE Sent For:

<END>

**2007 DRAFTING REQUEST**

**Bill**

Received: **07/12/2007**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Connie Schulze**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Health - facility licensure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Community oversight of adult family homes

---

**Instructions:**

Require adult famiy homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

**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>
/?	gmalaise 07/12/2007	bkraft 07/16/2007		_____			S&L
/1			nmatzke 07/16/2007	_____	lparisi 07/16/2007		S&L
/2	gmalaise 07/19/2007	jdye 07/19/2007	rschluet 07/19/2007	_____	lparisi 07/19/2007		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	gmalaise 08/10/2007	bkraft 08/13/2007	sherritz 08/14/2007	_____	lparisi 08/14/2007		

FE Sent For:

14 bjk 8/21 nwn  
8/21 nwn/bjk  
8/21  
<END>

## 2007 DRAFTING REQUEST

### Bill

Received: 07/12/2007

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Connie Schulze

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Health - facility licensure

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Community oversight of adult family homes

---

### Instructions:

Require adult family homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

### 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>
/?	gmalaise 07/12/2007	bkraft 07/16/2007		_____			S&L
/1			nmatzke 07/16/2007	_____	lparisi 07/16/2007		S&L
/2	gmalaise 07/19/2007	jdye 07/19/2007	rschlue 07/19/2007	_____	lparisi 07/19/2007		

1/3 bjk 8/13 dh  
8/14 dh/rs  
8/14

FE Sent For:

<END>



## 2007 DRAFTING REQUEST

### Bill

Received: 07/12/2007

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Connie Schulze

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Adl. Drafters:

Subject: Health - facility licensure

Extra Copies:

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Community oversight of adult family homes

---

### Instructions:

Require adult famiy homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

### 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>
/?	gmalaise 07/12/2007	bkraft 07/16/2007		_____			S&L
/1		<i>2 7/19/07</i>	nmatzke 07/16/2007	_____	lparisi 07/16/2007		

FE Sent For:

*7/16/07*  
<END>

## 2007 DRAFTING REQUEST

### Bill

Received: 07/12/2007

Received By: gmalaise

Wanted: As time permits

Identical to LRB:

For: Alberta Darling (608) 266-5830

By/Representing: Connie Schulze

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Health - facility licensure

Extra Copies:

DAK

RLR

Submit via email: YES

Requester's email: Sen.Darling@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Community oversight of adult family homes ✓

---

### Instructions:

Require adult family homes to make good faith effort to establish community advisory committees the same as group homes and community-based residential facilities under current law.

---

### 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>
/?	gmalaise	1 bjk 7/13 1 jld 7/16	nwn 7/16	nwn/jf 7/16			

FE Sent For:

<END>



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2963

GMM.....

*Handwritten initials and scribbles*

*bjk*

*Handwritten initials*

2007 Bill

*SA ✓  
X-ref ✓*

*gen. cat. ✓*

1

**AN ACT** ...; **relating to:** community oversight of adult family homes. ✓

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services (DHFS) licenses certain facilities for the care and treatment in the community of certain children and adults. Those facilities include group homes, which may provide care for five to eight children, and community-based residential facilities (CBRFs), which may provide care for five or more adults. Under current law, DHFS or a county department of human services, social services, community programs, or developmental disabilities services (county department) also licenses or certifies adult family homes, which may provide care for three or four adults.

Currently, before initial licensure of a group home or CBRF, the applicant for licensure must make a good faith effort to establish a community advisory committee consisting of representatives of the proposed group home or CBRF, the neighborhood in which the proposed group home or CBRF is to be located, and a local governmental unit. A community advisory committee <sup>must</sup> provides a forum for communication for persons interested in the proposed group home or CBRF and, after licensure, continues in existence to make recommendations regarding the impact of the group home or CBRF on the neighborhood.

This bill requires an applicant for initial licensure or certification of an adult family home to make a good faith effort to establish a community advisory committee, consisting of representatives of the proposed adult family home, the neighborhood in which the proposed adult family home is to be located, and a local governmental unit, for the purpose of providing a forum for communication for persons interested in the proposed adult family home and, after licensure or certification, making recommendations regarding the impact of the adult family home on the neighborhood.

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:*

**SECTION 1.** 50.032 (1m) (c) of the statutes is created to read:

50.032 (1m) (c) Prior to initial certification of an adult family home, the applicant for certification shall make a good faith effort to establish a community advisory committee consisting of representatives from the proposed adult family home, the neighborhood in which the proposed adult family home will be located, and a local unit of government. The community advisory committee shall provide a forum for communication for those persons interested in the proposed adult family home. Any committee established under this paragraph shall continue in existence after certification to make recommendations to the operator of the adult family home regarding the impact of the adult family home on the neighborhood. The department or certifying county department under par. (b) shall determine compliance with this paragraph both prior to and after initial certification.

**SECTION 2.** 50.033 (1m) (c) of the statutes is created to read:

50.033 (1m) (c) Prior to initial licensure of an adult family home, the applicant for licensure shall make a good faith effort to establish a community advisory committee consisting of representatives from the proposed adult family home, the neighborhood in which the proposed adult family home will be located, and a local unit of government. The community advisory committee shall provide a forum for communication for those persons interested in the proposed adult family home. Any committee established under this paragraph shall continue in existence after licensure to make recommendations to the licensee regarding the impact of the adult

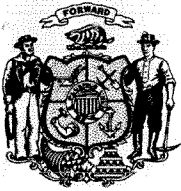
1 family home on the neighborhood. The department or licensing county department  
2 under par. (b) shall determine compliance with this paragraph both prior to and after  
3 initial licensure.

4 **SECTION 3. Initial applicability.**

5 (1) COMMUNITY OVERSIGHT OF ADULT FAMILY HOMES. This act first applies to  
6 applications for initial licensure or certification of a proposed adult family home  
7 received by a county department under section 46.215, 46.22, 46.23, 51.42, or 51.437  
8 of the statutes or by the department of health and family services on the effective  
9 date of this subsection.

10

(END)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-2963/1  
GMM:bjk&jld:nwn

S 207

RMR

2007 BILL

1 AN ACT to create 50.032 (1m) (c) and 50.033 (1m) (c) of the statutes, relating to:  
2 community oversight of adult family homes.

Regenerate ✓

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Health and Family Services (DHFS) licenses certain facilities for the care and treatment in the community of certain children and adults. Those facilities include group homes, which may provide care for five to eight children, and community-based residential facilities (CBRFs), which may provide care for five or more adults. Under current law, DHFS or a county department of human services, social services, community programs, or developmental disabilities services (county department) also licenses or certifies adult family homes, which may provide care for three or four adults.

✓ Insert  
A-1

Currently, before initial licensure of a group home or CBRF, the applicant for licensure must make a good faith effort to establish a community advisory committee consisting of representatives of the proposed group home or CBRF, the neighborhood in which the proposed group home or CBRF is to be located, and a local governmental unit. A community advisory committee must provide a forum for communication for persons interested in the proposed group home or CBRF and, after licensure, continues in existence to make recommendations regarding the impact of the group home or CBRF on the neighborhood.

✓ Insert  
A-2

~~The bill~~ requires an applicant for initial licensure or certification of an adult family home to make a good faith effort to establish a community advisory committee, consisting of representatives of the proposed adult family home, the neighborhood in which the proposed adult family home is to be located, and a local

The bill also ✓

**BILL**

governmental unit, for the purpose of providing a forum for communication for persons interested in the proposed adult family home and, after licensure or certification, making recommendations regarding the impact of the adult family home on the neighborhood.

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:*

✓  
Insert  
2-1

1

SECTION 1. 50.032 (1m) <sup>(d)</sup> of the statutes is created to read:

2

50.032 (1m) <sup>(d)</sup> Prior to initial certification of an adult family home, the

3

applicant for certification shall make a good faith effort to establish a community

4

advisory committee consisting of representatives from the proposed adult family

5

home, the neighborhood in which the proposed adult family home will be located, and

6

a local unit of government. The community advisory committee shall provide a forum

7

for communication for those persons interested in the proposed adult family home.

8

Any committee established under this paragraph shall continue in existence after

9

certification to make recommendations to the operator of the adult family home

10

regarding the impact of the adult family home on the neighborhood. The department

or certifying county department under par. (b) shall determine compliance with this

paragraph both prior to and after initial certification.

✓  
Insert  
2-12-12

13

SECTION 2. 50.033 (1m) <sup>(d)</sup> of the statutes is created to read:

14

50.033 (1m) <sup>(d)</sup> Prior to initial licensure of an adult family home, the applicant

15

for licensure shall make a good faith effort to establish a community advisory

16

committee consisting of representatives from the proposed adult family home, the

17

neighborhood in which the proposed adult family home will be located, and a local

18

unit of government. The community advisory committee shall provide a forum for

19

communication for those persons interested in the proposed adult family home. Any

**BILL**

1 committee established under this paragraph shall continue in existence after  
2 licensure to make recommendations to the licensee regarding the impact of the adult  
3 family home on the neighborhood. The department or licensing county department  
4 under par. (b) shall determine compliance with this paragraph both prior to and after  
5 initial licensure.

**SECTION 3. Initial applicability.**

7 (1) COMMUNITY OVERSIGHT OF ADULT FAMILY HOMES. This act first applies to  
8 applications for initial licensure or certification of a proposed adult family home  
9 received by a county department under section 46.215, 46.22, 46.23, 51.42, or 51.437  
10 of the statutes or by the department of health and family services on the effective  
11 date of this subsection.

12 (END)



2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2963/2ins  
GMM.....

(INSERT 2-1)

**SECTION 1.** 50.032 (1m) (c) of the statutes is created to read:

50.032 (1m) (c) Within 10 working days after receipt of an application for initial certification of an adult family home, the department or certifying county department under par. (b) shall notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application. The department or certifying county department shall request that the planning commission or agency send to the department or certifying county department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. No certification may be issued to an adult family home until the 30-day period has expired or until the department or certifying county department receives the response of the planning commission or agency, whichever is sooner. In issuing a certification, the department or certifying county department shall give full consideration to any hazards determined by the planning commission or agency.

(END OF INSERT)

(INSERT 2-12)

**SECTION 2.** 50.033 (1m) (c) of the statutes is created to read:

50.033 (1m) (c) Within 10 working days after receipt of an application for initial licensure of an adult family home, the department or licensing county department under par. (b) shall notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application. The department or licensing county department shall request that the planning commission or agency send to the department or licensing county

Ins 2-12  
cont

department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. No license may be issued to an adult family home until the 30-day period has expired or until the department or licensing county department receives the response of the planning commission or agency, whichever is sooner. In issuing a license, the department or licensing county department shall give full consideration to any hazards determined by the planning commission or agency.

(END OF INSERT)

(INSERT A-1)

Currently, within 10 working days after receipt of an application for initial licensure of a group home or CBRF, DHFS must notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the group home or CBRF. DHFS may not grant a license to a group home or CBRF until the 30-day period has expired or until DHFS receives the response of the planning commission or agency, whichever is sooner. In issuing a license, DHFS must give full consideration to any hazards determined by the planning commission or agency.

(END OF INSERT)

(INSERT A-2)

This bill requires DHFS or a licensing or certifying county department, within 10 working days after receipt of an application for initial licensure of an adult family home, to notify the city, town, or village planning commission, or other appropriate city, town, or village agency if there is no planning commission, of receipt of the application and request that the planning commission or agency send to DHFS or the licensing or certifying county department, within 30 days, a description of any specific hazards that may affect the health and safety of the residents of the adult family home. DHFS or a licensing or certifying county department may not issue a license or certification to an adult family home until the 30-day period has expired or until DHFS or the licensing or certifying county department receives the response of the planning commission or agency, whichever is sooner. In issuing a license or

or certification



Ins A-2  
cont

certification, DHFS or a licensing or certifying county department must give full consideration to any hazards determined by the planning commission or agency. ✓

(END OF INSERT)

## Malaise, Gordon

---

**From:** Schulze, Connie  
**Sent:** Tuesday, July 31, 2007 2:49 PM  
**To:** Malaise, Gordon  
**Cc:** Schulze, Connie; Volz, David; Sweet, Richard  
**Subject:** FW: Community advisory committees

Dear Gordon,

I am following up on a drafting request I made on behalf of Senator Darling on the afternoon of July 11th. Since then, we have met with a smaller group of Glendale residents and agreed that Wisconsin State Statutes should be amended beyond just what we spoke about on the 11th. Below is a summary by Dick Sweet who sat in on our meeting. Would you please review this and work the language into the original bill draft?

Please let me and/or Dick Sweet know if you have any questions or any feedback on this request.

Sincerely,  
Connie Schulze  
Office of Sen. Darling  
PHONE: 262/250-9440 or 800/863-1113 (Tuesdays)

P.S. I may be amending this request a little further. I need to check with Alberta and Fiscal Bureau about a requirement for DHFS to do an annual review of licensed homes instead of every two years as they are currently following.

---

**From:** Sweet, Richard  
**Sent:** Tuesday, July 31, 2007 1:29 PM  
**To:** Schulze, Connie  
**Subject:** Community advisory committees

Connie,

At our meeting this morning, we discussed amending the community advisory committee statutes in the following ways:

- Committees would have to be established for adult family homes (licensed and certified).  
*= shall establish not "good faith effort"*
- If a CBRF or adult family home changes client groups, it would have to notify DHFS and the community advisory committee at least 30 days in advance and get DHFS approval. [DHFS notification and approval is already required by rule, but this would put it in the statutes. ss. HFS 83.07(2)(b), 83.11(3)(c), and 88.03(2)(b)2.] *Also ss. 62.62(4)(b)3, 57.25(1)(c), 52.41(1)(a)3*
- Committees would have to be notified in advance of license renewal dates. [It probably makes sense to have them notified at the same time that the facility is notified that its license needs to be renewed.] *= DHS notify licensee & cal committee*
- DHFS would be required to seek input from committees, and consider and respond in writing to any input given, for initial licenses, license renewal, and change in client groups.

All of these changes could be made to the current community advisory committee statute for adult facilities--s. 50.03(4)(g). In addition, you might want to consider whether to apply the

last 3 bullet points to the community advisory committee statute for children's facilities--s.  
48.68(4).

***Dick Sweet***

Richard Sweet

Senior Staff Attorney

Wisconsin Legislative Council

(608)266-2982

[richard.sweet@legis.wisconsin.gov](mailto:richard.sweet@legis.wisconsin.gov)