

2007 SENATE BILL 283

October 4, 2007 – Introduced by Senators DARLING, COGGS, ERPENBACH, LASSA, LEHMAN, WIRCH, KREITLOW and HANSEN, cosponsored by Representatives KRUSICK, HINES, BENEDICT, BERCEAU, BLACK, FIELDS, A. OTT, J. OTT, SHERIDAN, YOUNG, POCAN and POPE-ROBERTS, by request of Wisconsin Alzheimers Association Chapter Network; AARP-Wisconsin; Brain Injury Association of Wisconsin; Coalition of Wisconsin Aging Groups; Community Alliance of Providers of Wisconsin; Disability Rights Wisconsin; Independence First; Learning Disabilities Association of Wisconsin; Steinhauer Group, LLC; Wisconsin Board on Aging and Long-Term Care; Wisconsin Council on Developmental Disabilities; Wisconsin Coalition of Independent Living Centers, Inc.. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

1 **AN ACT** *to renumber and amend* 50.033 (6) and 50.98 (1); *to amend* 50.034 (8)
 2 (a) and 50.035 (11) (a); and *to create* 50.02 (6), 50.033 (2p), 50.033 (6) (b), 50.034
 3 (3m), 50.035 (10m), 50.04 (2x), 50.935 and 50.98 (1) (b) of the statutes; **relating**
 4 **to:** the care and treatment of persons with Alzheimer’s disease or related
 5 dementia in residential care facilities, providing an exemption from emergency
 6 rule 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.

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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:

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

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

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

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

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

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

18 4. Advocates for persons under subd. 3.

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

20 50.033 **(2p)** SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. An adult family
21 home may not hold itself out as providing special services for persons with

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1 Alzheimer's disease or related dementia unless the agency that licenses the adult
2 family home under this section determines that the adult family homes satisfies the
3 standards promulgated by rule under s. 50.02 (6).

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

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

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

10 50.033 **(6)** (b) Any person who violates sub. (2p) may be required to forfeit not
11 more than \$500.

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

13 50.034 **(3m)** SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A residential care
14 apartment complex may not hold itself out as providing special services for persons
15 with Alzheimer's disease or related dementia unless the department determines
16 that the residential care apartment complex satisfies the standards promulgated by
17 rule under s. 50.02 (6).

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

19 50.034 **(8)** (a) Whoever violates sub. ~~(3m)~~, (5m) or (5n) or rules promulgated
20 under sub. (5m) or (5n) may be required to forfeit not more than \$500 for each
21 violation.

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

23 50.035 **(10m)** SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A
24 community-based residential facility may not hold itself out as providing special
25 services for persons with Alzheimer's disease or related dementia unless the

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1 department determines that the community-based residential facility satisfies the
2 standards promulgated by rule under s. 50.02 (6).

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

4 50.035 **(11)** (a) Whoever violates sub. (4m) ~~or~~, (4n), or (10m) or rules
5 promulgated under sub. (4m) or (4n) may be required to forfeit not more than \$500
6 for each violation.

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

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

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

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

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

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

20 50.98 **(1)** (a) ~~Any~~ Except as provided under par. (b), any person who violates this
21 subchapter or rules promulgated under this subchapter may be required to forfeit
22 not more than \$100 for the first violation and may be required to forfeit not more than
23 \$200 for the 2nd or any later violation within a year. The period shall be measured
24 using the dates of issuance of citations of the violations. Each day of violation
25 constitutes a separate violation.

