

2007 DRAFTING REQUEST

Bill

Received: 12/08/2006

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-8593

By/Representing: Milioto

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - facility licensure

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: robin.ryan@legis.wisconsin.gov

Pre Topic:

DOA:.....Milioto, BB0216 -

Topic:

Fee increases for C-BRFs and Adult Family Homes

Instructions:

See Attached

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>
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FE Sent For:

<END>

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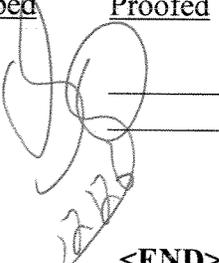
Fee increases for C-BRFs and Adult Family Homes ✓

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FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Office of Quality Assurance – Fee Increases
- Tracking Code: BB 0216
- SBO team: Health
- SBO analyst: Steve Milioto
 - Phone: 266-8593
 - Email: Steve.Milioto@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

Amend s. 50.037 (2) and s. 50.033 (2) to ^{require} allow the department to increase fees for community-based residential facilities and adult family homes in ~~future years~~ ²⁰⁰⁷⁻⁰⁹ through the use of administrative rules.

This draft should not be shared with the department.

Priority - High

rules to Leg Council
by 11/1/06



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1085/1

DAK:.....

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D-NOTE

DOA:.....Milioto, BB0216 - Fee increases for C-BRFs and Adult Family Homes

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Currently, certain adult family homes (those in which three or four adults who are not related to the operator reside and receive care) are licensed by DHFS or by county departments of human services, social services, developmental disabilities services, or community programs. The biennial license fee for such an adult family home is \$135. Also currently, community-based residential facilities are licensed by DHFS; the biennial license fee for a community-based residential facility is \$306, plus a biennial fee of \$39.60 for each resident the community-based residential facility is licensed to serve.

This bill requires that, after March 31, 2008, the amounts of the biennial fees for licensed adult family homes and community-based residential facilities shall be established in rules required to be promulgated by DHFS.

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.** 50.033 (2) of the statutes is amended to read:

2 50.033 (2) Standards for operation of licensed adult family homes and
3 procedures for application for licensure, monitoring, inspection, revocation and
4 appeal of revocation under this section shall be under rules promulgated by the
5 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
6 revoked under this section. Licensure is not transferable. The biennial licensure fee
7 for a licensed adult family home is \$135, except that, after March 31, 2008, the
8 biennial fee for a licensed adult family home shall be the amount that the department
9 shall establish by rule. The fee is payable to the county department under s. 46.215,
10 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
11 home under sub. (1m) (b), and is payable to the department, on a schedule
12 determined by the department if the department licenses the adult family home
13 under sub. (1m) (b).

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

14 **SECTION 2.** 50.037 (2) (a) of the statutes is amended to read:

15 50.037 (2) (a) The biennial fee for a community-based residential facility is
16 \$306, plus a biennial fee of \$39.60 per resident, based on the number of residents that
17 the facility is licensed to serve, except that, after March 31, 2008, the biennial fee for
18 a community-based residential facility, including any fee for a resident, shall be the
19 amount that the department shall establish by rule.

20 History: 1973 c. 90, 243, 333; 1975 c. 413 s. 18; 1975 c. 430 ss. 73, 80; 1977 c. 26, 418; 1979 c. 221; 1983 a. 27; 1987 a. 161 s. 13m; 1991 a. 39; 1993 a. 16; 1993 a. 27
ss. 253 to 256; Stats. 1993 s. 50.037; 1993 a. 183, 375; 1995 a. 27; 1997 a. 27; 1999 a. 9.

20 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

21 (1) LICENSED ADULT FAMILY HOME FEES; RULES. The department of health and
22 family services shall submit in proper form the rules required under section 50.033
23 (2) of the statutes, as affected by this act, to the legislative council staff under section
24 227.15 (1) of the statutes no later than November 1, 2007.

1 (2) COMMUNITY-BASED RESIDENTIAL FACILITY FEES; RULES. The department of
2 health and family services shall submit in proper form the rules required under
3 section 50.037 (2) (a) of the statutes, as affected by this act, to the legislative council
4 staff under section 227.15 (1) of the statutes no later than November 1, 2007.

5

(END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1085/?dn
DAK:.....

lmk

(date)

✓
To Steve Milioto:

I drafted this a bit differently than we discussed (an in-text date of after March 31, 2008, and required proposed rules submission by November 1, 2007); my only worry would be whether DHFS could in fact get the rules promulgated by April 1, although they can set the process in motion well before November 1. ✓

Debora A. Kennedy
Managing Attorney
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E-mail: debora.kennedy@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1085/1dn
DAK:lmk:rs

December 12, 2006

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State of Wisconsin
2007 - 2008 LEGISLATURE

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DAK:lmk:rs

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