



2007 DRAFTING REQUEST

Bill

Received: **01/17/2007**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Milioto**

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

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - long-term care**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Milioto, BB0385b -

Topic:

Family care resource center governing boards and local and regional committees

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>
/?							
/P1	rryan 01/22/2007	kfollett 01/24/2007	rschluet 01/24/2007	_____	cduerst 01/24/2007		
	rryan 01/28/2007	lkunkel 01/28/2007		_____			
/P2	rryan 01/30/2007	kfollett 01/30/2007	nnatzke 01/29/2007	_____	cduerst 01/29/2007		
/P3	rryan 02/01/2007	lkunkel 02/01/2007	nnatzke 01/30/2007	_____	sbasford 01/30/2007		
/P4			jfrantze 02/01/2007	_____	sbasford 02/02/2007		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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<END>

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/P2	rryan 01/30/2007	kfollett 01/30/2007	nmatzke 01/29/2007	_____	cduerst 01/29/2007		
/P3			nmatzke 01/30/2007	_____	sbasford 01/30/2007		

FE Sent For:

Handwritten notes and signatures:
/P4/mk 2/1
Jas...
g/v

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	rryan 01/28/2007	lkunkel 01/28/2007		_____			
/P2		<i>1/23/gf</i> <i>1/30</i>	nmatzke 01/29/2007	_____	cduerst 01/29/2007		
			<i>nwn</i> <i>1/30</i>	<i>nwn/pg</i> <i>1/30</i>			
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FE Sent For:		/pe/mk/28	nwn 1/28	nwn/pg 1/29			

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Family care; resource center governing boards; and local and regional committees

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/?	rryan	1/11/07 1/24					

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: ~~Family Care (Round IV Stat Language Requests)~~
- Tracking Code: BB03856
- SBO team: Health
- SBO analyst: Steve Milioto
 - Phone: ~~266-8593~~
 - Email: Steve.Milioto@Wisconsin.gov
- Agency acronym: DHFS
- Agency number: ~~435~~

Priority - High

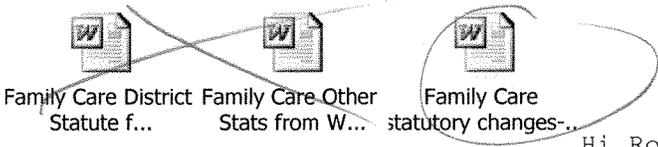
Robin – Please make the changes we discussed on the phone. (Long-term care council revisions)

LRB-1562

Ryan, Robin

From: Milioto, Steve - DOA
Sent: Thursday, January 11, 2007 12:38 PM
To: Ryan, Robin
Subject: FW: Additional Family Care Stat Language Proposals

Attachments: Family Care District Statute final from WCA 1.05.07.doc; Family Care Other Stats from WCA 1.05.07.doc; Family Care statutory changes-from Council 1.05.07.doc



Hi Robin --

The department has submitted the attached interest group requests to us. Do not draft anything at this point. What I would like to know is how time-consuming drafting these changes would be for you? Thanks! Steve

-----Original Message-----

From: Andrew Forsaith [mailto:forsaac@dhfs.state.wi.us]
Sent: Friday, January 05, 2007 5:20 PM
To: Johnston, James - DOA; Milioto, Steve - DOA
Cc: Bove, Fredi-Ellen E - DHFS; Frye, Judith E - DHFS; Jones, Charles M - DHFS; Nelson, Helene - DHFS; Waller, Diane J - DHFS; Wilhelm, Charles A - DHFS
Subject: Additional Family Care Stat Language Proposals

Jim and Steve -- As promised, attached are two additional Family Care statutory language packages.

The first two files comprise the proposal developed by the Wisconsin Counties Association regarding Family Care (renamed Long Term Care) Districts.

The second proposal was developed by the State Long Term Care Council to restructure the local long term care council statute.

The Department supports these proposals and asks that they be considered for the Governor's Budget. Please contact me or Diane Waller with any questions. Thanks.

Both in one draft

DHFS & LTCC Council

3

LRB-1562

Family Care Statutory Language Proposal Local Oversight of LTC

Summary and rationale

This proposal is intended to provide a practical, understandable and meaningful way to strengthen citizen oversight and consumer input for local LTC systems and other services for elders and people with disabilities. Under this proposal, most of the responsibilities currently assigned by the statutes to local LTC councils would be shifted to the governing boards of ADRCs and to new regional long-term care advisory committees composed of representatives of these boards. The ADRC's mission is to serve all older people and all people with disabilities (including those who do not need LTC and those who need LTC but do not qualify for public financial assistance). Among the responsibilities already required of ADRCs are community needs assessment and information and assistance on all services available in the ADRC's geographic area for elders and people with disabilities. The ADRC governing board's current role of providing oversight for the ADRC mission and operation would be expanded to include a major role in obtaining input about the local array of services for older people and people with disabilities. (The board would be allowed to delegate this portion of its work to a consumer-dominated subcommittee of the board.) The board's membership would be required to include more representatives of target populations than is currently the case. Counties have the right of first refusal to operate ADRCs; that is, if a county chooses to apply and can meet standards, no other entity will be considered. It is expected that all counties will choose to apply to operate ADRCs (either singly or in a multi-county arrangement, very likely much smaller than many CMO regions). The governing board of an ADRC is therefore very likely to be appointed by and accountable to one or more county boards (or county executives/administrators, if applicable).

In the current system, local long-term care councils have been expected to serve this role of providing a voice for consumers, but most of them have struggled to provide effective oversight of the LTC system as originally envisioned. There has been confusion about the various roles of the local council, the governing board of the CMO and the governing board of the ADRC. Local LTC councils have been asked to perform technical reviews and big-picture planning that they are often ill-equipped to carry out.

As proposed, local ADRC governing boards would participate in activities to gather input from consumers and other stakeholders, then designate several members of the board to participate in a regional advisory committee that could put that and other information together to provide long-range planning, broad oversight of the regional system, and work with DHFS, ADRCs and CMOs, and local elected officials in the region to improve the system. Regional boundaries would be established by DHFS along logical lines that would initially likely correspond to CMO service areas, and be periodically adjusted as the system evolves. It is anticipated that regional committees would meet three or four times a year and annually produce a report on their findings. This proposal recommends that DHFS provide the committees with information such as enrollment and disenrollments patterns, ADRC contact and activity summaries, grievance and appeals, consumer outcome findings from quality reviews, service utilization patterns, and other relevant areas. DHFS would also provide staff support, likely through its regional offices, as needed to arrange meetings and summarize committee discussions into an annual report. This would assure an independent source of information and support for the committees.

may speak w/ Andy Forsuth @ DHS

Proposed language changes

Under this proposal, s. 46.282 (2) and (3) of the statutes related to local long-term care councils would be repealed.

S. 46.283 (6), related to governing boards of aging and disability resource centers (ADRCs) would be amended in several ways:

- 1) Increase the percentage of members required to be older people or people with disabilities or their family members, guardians or other advocates from at least one-fourth to at least 51%. The age and disability of these members must correspond to the proportion of long-term care consumers in Wisconsin who are sixty-five years old or older or have a physical or developmental disability or mental illness. (Language requiring that the overall board membership reflect the ethnic and economic diversity of the area served by the ADRC would be retained.)
- 2) Specify that no person may serve on the ADRC governing board who serves on the governing board of, or has a financial interest in, any care management organization providing Family Care, Partnership or SSI Managed Care in the area served by the ADRC, or whose immediate family member serves on such a board or has such a financial interest.
- 3) Specify the following duties for the ADRC governing board:
 - a) Within the limits of applicable county board resolutions, ordinances and budgets:
 - i) Be accountable for the mission and goals of the ADRC.
 - ii) Determine the structure, policies and procedures of the ADRC within state guidelines and local governance structure
 - iii) Oversee the implementation and operation of the ADRC.
 - b) Participate in an annual process for gathering information from consumers, providers and other stakeholders about the adequacy and consumer responsiveness of long-term care services offered in the area served by the ADRC. This process shall include identification of gaps in services, living arrangements and community resources needed by older people and people with disabilities, especially those who need long-term care. The process must include well-advertised opportunities for these stakeholders to participate in a listening session, or other public discussion of these issues. The board shall report its findings to the regional long-term care advisory committee for its region and shall recommend strategies to build local capacity to serve these populations, as appropriate, to local elected officials, the regional long-term care advisory committee, and/or DHFS. The ADRC shall target its outreach, education, prevention and service development efforts based on the results of this process.
 13. c) Identify potential new sources of community resources and funding for needed services for older people and people with disabilities.
 - d) Participate in the regional long-term care advisory committee for its region.
 - e) Annually review interagency agreements between the ADRC and the care management organizations in its geographic area and make recommendations as necessary on the interaction between them to assure coordination and timeliness of access to services.
 11. f) Review the number and types of grievances and appeals about the long-term care system in its area by persons who receive or may receive care under the system, to determine if a need exists for system changes, and recommend system or other changes if appropriate.
 12. g) At the option of the county board(s), may assume the duties of the long-term support planning committee for the county or counties served by the ADRC.

Per Steve
leave at
1/4

46.282(3)(a) 9.

46.282
(3)(b)

Add new language to the Family Care statutes to direct the department to establish regional boundaries, and periodically review and revise them as appropriate, for regional long-term care advisory committees. A regional long-term care advisory committee will be established in each region, consisting of members of ADRC governing boards in the region, designated by these

boards, a majority of whom shall be older people or people with disabilities or their family members, guardians or other advocates. The total number of committee members shall not exceed 25 persons, distributed equitably across the participating ADRC boards. DHFS shall provide relevant information and such staff assistance as necessary to enable the regional committees to provide the following functions:

- 1) Evaluate the performance of managed long-term care entities in the region with regard to their responsiveness to consumers, fostering of consumer choice, consumer outcomes, and other consumer-related issues and make recommendations to DHFS and the managed care entities as appropriate.
- 2) Evaluate the performance of ADRCs in the region and make recommendations to DHFS and ADRCs as appropriate.
- 3) Monitor the pattern of grievances and appeals from CMO members and other LTC consumers in the region and make recommendations to DHFS as appropriate.
- 4) Review utilization patterns of various types of long-term care services in the region.
- 46 282(3)(a) 8. 5) Monitor the pattern of enrollments and disenrollments in CMOs in the region.
- 6) Based on information provided by ADRC governing boards resulting from their annual information gathering process, and other information available, identify regional gaps in services, living arrangements and community resources and develop strategies to build capacity to serve older people and people with disabilities, especially those who need long-term care.
10. 7) Perform long-range planning on long-term care policy for older people and people with disabilities.
- 8) Annually report to DHFS concerning significant achievements and problems in the regional long-term care system.



CPS;
Fix
request
sheet
pls.

State of Wisconsin
2007 - 2008 LEGISLATURE

PI
LRB-1562?
RLR: kgf

In 1/22/07

DOA:.....Milioto, BB0385b - Family care; resource center governing boards;
and local and regional committees

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

RMR
D-T

Don't Gen

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 46.27 (4) (am) of the statutes is amended to read:

3 46.27 (4) (am) If [↓]a local long-term care council in a county the governing board
4 of a resource center assumes under s. 46.282 (3) (b) [✓]46.283 (6) (b) [✓]10. the duties of the
5 county long-term support planning committee under this subsection, the county
6 long-term support planning committee for the county is dissolved.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387.

7 SECTION 2. 46.27 (4) (c) (intro.) of the statutes is amended to read:

8 46.27 (4) (c) (intro.) The planning committee shall develop, or, if [↓]a local
9 long-term care council the governing board of a resource center has under s. 46.282

1 ✓
 2 (3) (b) 46.283 (6) (b) 10. assumed the duties of the planning committee, the local
 3 ~~long-term care council governing board of the resource center~~ shall recommend a
 4 community options plan for participation in the program. The plan shall include:

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387.

4 **SECTION 3.** 46.27 (4) (c) 5. of the statutes is amended to read:

5 46.27 (4) (c) 5. A description of the method to be used by the committee or, if
 6 ↓
 7 (6) ~~a local long-term care council the governing board of a resource center~~ has under s.
 8 46.282 (3) (b) 46.283 (6) (b) 10. assumed the duties of the planning committee, the
 9 ~~local long-term care council governing board of the resource center~~ to monitor the
 10 implementation of the program.

History: 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (5); 1983 a. 192, 239; 1985 a. 29 ss. 876s to 896am, 3200 (56); 1985 a. 120, 176; 1987 a. 27, 399; 1989 a. 31, 77, 336, 359; 1991 a. 32, 39, 235, 274; 1993 a. 16, 27, 437; 1995 a. 27; 1997 a. 13, 27, 39, 79, 237; 1999 a. 9, 63; 2001 a. 16, 103; 2003 a. 33; 2005 a. 22, 25, 264, 386, 387.

11 **SECTION 4.** 46.2805 (7m) of the statutes is repealed.

12 **SECTION 5.** 46.281 (1) (e) 1. of the statutes is amended to read:

13 46.281 (1) (e) 1. Subject to the requirements of par. (d), if the local long-term
 14 ~~care council for the applicable area has developed the initial plan under s. 46.282 (3)~~
 15 (6) (a) 1., contract with entities specified under par. (d) and may, only if specifically
 16 authorized by the legislature and if the legislature appropriates necessary funding,
 17 contract as so authorized with one or more entities in addition to those specified in
 18 par. (d) certified as meeting requirements under s. 46.284 (3) for services of the entity
 19 as a care management organization.

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386.

20 **SECTION 6.** 46.281 (1) (j) of the statutes is created to read:

21 46.281 (1) (j) 1. Define boundaries for regional long-term care advisory
 22 committees under s. 46.2825, periodically review the boundaries, and, as
 23 appropriate, revise the boundaries.

of a resource center

1 2. Specify the number of members that each resource center governing board
2 shall appoint to a regional long-term care advisory committee. The total number of
3 committee members shall not exceed 25, and the department shall allot committee
4 membership equally among the governing boards of resource centers operating
5 within the boundaries of the regional long-term care advisory committee.

6 3. Provide information and staff assistance to assist regional long-term care
7 advisory committees in performing the duties under s. 46.2825 (2).

8 ~~SECTION 7.~~ 46.282 (title) of the statutes is repealed.

9 ~~SECTION 8.~~ 46.282 (2) of the statutes is repealed.

10 ~~SECTION 9.~~ 46.282 (3) (a) 1. of the statutes is repealed.

11 ~~SECTION 10.~~ 46.282 (3) (a) 2. of the statutes is repealed.

12 ~~SECTION 11.~~ 46.282 (3) (a) 3. of the statutes is repealed.

13 ~~SECTION 12.~~ 46.282 (3) (a) 4. of the statutes is repealed.

14 ~~SECTION 13.~~ 46.282 (3) (a) 5. of the statutes is repealed.

15 ~~SECTION 14.~~ 46.282 (3) (a) 6. of the statutes is repealed.

16 ~~SECTION 15.~~ 46.282 (3) (a) 7. of the statutes is repealed.

17 ~~SECTION 16.~~ 46.282 (3) (a) 8. of the statutes is renumbered 46.2825 (2) (e) and
18 amended to read:

19 46.2825 (2) (e) Monitor the pattern of enrollments and disenrollments in local
20 care management organizations that provide services in the committee's region.

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

21 ~~SECTION 17.~~ 46.282 (3) (a) 9. of the statutes is renumbered 46.283 (6) (b) 3. and
22 amended to read:

23 46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and
24 community resources and develop strategies to build local capacity to serve needed

*SECTION #. 46.282 (3) (title) of the statutes is repealed.
SECTION #. 46.282 (3) (a) (intro.) of the statutes is repealed.*

1 by older persons and persons with physical or developmental disabilities, especially
2 those with long-term care needs.

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

3 **SECTION 18.** 46.282 (3) (a) 10. of the statutes is renumbered 46.2825 (2) (g) and
4 amended to read:

5 46.2825 (2) (g) Perform long-range planning on long-term care policy for older
6 persons and persons with physical or developmental disabilities.

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

7 **SECTION 19.** 46.282 (3) (a) 11. of the statutes is renumbered 46.283 (6) (b) 8. and
8 amended to read:

9

9 46.283 (6) (b) 8. Annually review interagency agreements between ~~or~~ [↓] the
10 resource center and care management ~~organization or organizations~~ that provide
11 services in the area served by the resource center and make recommendations, as
12 appropriate, on the interaction between the resource center and the care
13 management ~~organization or organizations~~ to assure coordination between or
14 among them and to assure access to and timeliness in provision of services by the
15 resource center and the care management organizations.

****NOTE: To whom is the resource center board making recommendations? Since the board is one of the parties involved in the agreements, shouldn't it amend the agreements instead of just making recommendations?

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

16 **SECTION 20.** 46.282 (3) (a) 12. of the statutes is renumbered 46.283 (6) (b) 9. and
17 amended to read:

18 46.283 (6) (b) 9. ~~Annually review~~ Review the number and types of complaints
19 and grievances about the long-term care system ~~by persons who receive or may~~
20 ~~receive care under the system~~ in the area served by the resource center, to determine

1 if a need exists for system changes, and recommend system or other changes if
2 appropriate.

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

****NOTE: 1. Current law refers to grievances and complaints. The drafting instructions refer to grievances and appeals. Do you want appeals instead of complaints, and do you mean administrative appeals under s. 46.287?

2. It is unclear how resource center governing boards will obtain the complaints -- are they to receive complaints directly from the complainants, or will the complaints be forwarded to the boards, and if so by whom?

3. Under current law s. 46.281 (1) (g) 4., the long-term care system is referred to as "the long-term care system specified under ss. 46.2805 to 46.2895," in other words, just Family Care. Other current law references to "the long-term care system" within the Family Care statutes do not specify what it is. Is the long-term care-system here only Family Care?

3 SECTION 21. 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6.

4 SECTION 22. 46.282 (3) (a) 14. of the statutes is repealed.

5 SECTION 23. 46.282 (3) (a) 15. of the statutes is repealed.

6 SECTION 24. 46.282 (3) (b) of the statutes is renumbered 46.283 (6) (b) 10. and

7 amended to read:

8 46.283 (6) (b) 10. A local long-term care council may, within the local long-term
9 care council's area if directed to do so by the county board, assume the duties of the
10 county long-term community support planning committee as specified under s.
11 46.27 (4) for a county served by the resource center.

History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

12 SECTION 25. 46.2825 of the statutes is created to read:

13 **46.2825 Regional long-term care advisory committees.** (1) CREATION.

14 The governing board of each resource center operating in a region defined by the
15 department under s. 46.281 (1) (j) 1. shall appoint the number of its members that
16 is specified by the department under s. 46.281 (1) (j) 2. to a regional long-term care
17 advisory committee. At least 50 percent of the persons a resource center board
18 appoints to a regional long-term care advisory committee shall be older persons or

1 persons with a physical or developmental disability or their family members,
2 guardians, or other advocates.

3 (2) DUTIES. A regional long-term care advisory committee shall do all of the
4 following:

5 (a) Evaluate the performance of care management organizations and entities
6 that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's
7 region with respect to responsiveness to recipients of their services, fostering choices
8 for recipients, and other issues affecting recipients; and make recommendations
9 based on the evaluation to the department and to the care management
10 organizations and entities, as appropriate.

11 (b) Evaluate the performance of resource centers operating in the committee's
12 region and, as appropriate, make recommendations, concerning their performance
13 to the department and the resource centers.

14 (c) Monitor complaints and grievances made to care management
15 organizations or entities that operate a program described under s. 46.2805 (1) (a)
16 or (b) within the committee's region.

X
X
****NOTE: See the note under proposed s. 46.283 (6) (b) 9., as renumbered from s.
46.282 (3) (a) 12., regarding complaints versus appeals. Also, do you want to require care
management organizations to forward copies of complaints to the regional long-term
care advisory committees? This draft requires the committees to review complaints made
to organizations that operate PACE or Partnership Programs. Should it, and if so, should
the draft require such organizations to send copies of complaints to the committee?
Should the committees also review complaints regarding resource centers? The drafting
instructions provide that the regional committee shall review complaints made by
persons served by CMOs and "other long-term care consumers." Who else is a long-term
care consumer, and with whom do these other persons register the complaints that the
committees are supposed to review?

17 (d) Review utilization of long-term care services in the committee's region.

18 (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards
19 of resources centers operating in the committee's region and other available

1 information, identify any gaps in the availability of services, living arrangements,
2 and community resources needed by older persons and persons with physical or
3 developmental disabilities, and develop strategies to build capacity to provide those
4 services, living arrangements, and community resources in the committee's region.

5 (h) Annually report to the department[✓] regarding significant achievements and
6 problems relating to the provision of long-term care services in the committee's
7 region.

8 **SECTION 26.** 46.283 (6) of the statutes[✓] is amended to read:

9 **46.283 (6) GOVERNING BOARD.** (a) 1. A resource center shall have a governing
10 board that reflects the ethnic and economic diversity of the geographic area served
11 by the resource center.

12 2. At least one-fourth of the members of the governing board shall be older
13 persons or persons with physical or developmental disabilities or their family
14 members, guardians, or other advocates. The proportion of these board members[✓]
15 who are older persons, persons with a physical disability, or persons with a
16 developmental disability, or the family members, guardians, or advocates of such
17 persons, shall be the same, respectively, as the proportion of persons in this state who
18 receive services under s. 46.2805 to 46.2895[✓] who are older persons, persons with
19 physical disability, or persons with a developmental disability.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388.

20 **SECTION 27.** 46.283 (6) (a) 3. of the statutes is created to read:

21 46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the
22 governing board of, a care management organization or an organization that
23 administers a program described under s. 46.2805 (1) (a)[✓] or (b)[✓], which serves any
24 geographic area also served by a resource center, and the individual's immediate

1 family members, may not serve as members of the governing board of the resource
2 center.

***NOTE: This draft prohibits persons who have an interest in a care management organization or an organization that runs a PACE or Partnership Program from serving on the resource center board. The drafting instructions also prohibit persons who have an interest in an organization that runs an SSI Managed Care program. In other budget drafts, we have not referred to SSI Managed Care -- should I include it here? Also, should this draft refer to "immediate family members," as provided in the drafting instructions or to "family members," as defined in LRB-0330?

of a resource center

3 SECTION 28. 46.283 (6) (b) of the statutes is created to read:

4 46.283 (6) (b) The resource center governing board shall do all of the following:

***NOTE: This draft does not require a governing board of a resource center to "be accountable for the mission and goals of the resource center." The governing board of any organization is responsible for setting its mission and goals.

5 1. Determine the structure, policies, and procedures of, and oversee the
6 operations of, the resource center.

***NOTE: The draft does not specify that a resource center board's responsibilities, with respect to determining structure, policies, and procedures, and overseeing operations, are limited by county ordinances and budget, because the statutes permit a private organization or an Indian tribe to serve as a resource center, and they shouldn't be subject to county limits. I think it is clear that any resource center operated created by a county is subject to county ordinances and limited to the budget established for it by the county.

7 2. Annually gather information from consumers and providers of long-term
8 care services and other interested persons concerning the adequacy of long-term care
9 services offered in the area served by the resource center. The board shall provide
10 well-advertised opportunities for persons to participate in the board's information
11 gathering activities conducted under this subdivision.

***NOTE: The drafting instructions direct the board to participate in the information gathering process. I assume that the board has to initiate and lead this process, not just participate. If this is not correct, who must initiate and lead the process? The drafting instructions also call for a resource center board to gather information on "consumer responsiveness" of long-term care services. I presume "consumer responsiveness" gets at whether the services meet the needs of the consumers, which is addressed under adequacy.

12 4. Report findings made under subds. 2. and 3. to the applicable regional
13 long-term care advisory committee.

****NOTE: The drafting instructions provide that the board "shall target its outreach, education, prevention and service development efforts based on the results of this process [the annual information gathering under subd. 2.]." What does this mean? Should the draft require the board to perform outreach, education, and prevention services and to develop service capacity? Would the governing board do all these things, or are some of these duties more appropriate for the resource center, which under s. 46.283 (3) (c) is required to provide prevention services, "within the limits of available funding."

1 5. Recommend strategies for building local capacity to serve older persons and
2 persons with physical or developmental disabilities, as appropriate, to local elected
3 officials, the regional long-term care advisory committee, or the department.

4 7. Appoint members to the regional long-term care advisory committee, as
5 provided under s. 46.2825 (1).

6 **SECTION 29.** 46.284 (1) (a) (intro.) of the statutes is amended to read:

7 46.284 (1) (a) (intro.) ~~After considering recommendations of the local~~
8 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ county board of supervisors and,
9 in a county with a county executive or a county administrator, the county executive
10 or county administrator, may decide all of the following:

11 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

12 **SECTION 30.** 46.284 (2) (b) 1. a. of the statutes is amended to read:

13 46.284 (2) (b) 1. a. The county and the local long-term care council ~~agree~~ *agrees*
14 writing that at least one additional care management organization is necessary or
15 desirable.

16 History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

17 **SECTION 31.** 46.284 (2) (b) 3. of the statutes is amended to read:

18 46.284 (2) (b) 3. After December 31, 2003, the department may contract with
19 counties, family care districts, the governing body of a tribe or band or the Great
20 Lakes inter-tribal council, inc., or under a joint application of any of these, or with
a private organization that has no significant connection to an entity that operates
a resource center. Proposals for contracts under this subdivision shall be solicited

SECTION 31

1 under a competitive sealed proposal process under s. 16.75 (2m) and, after consulting
 2 with the local long-term care council for the county or counties, the department shall
 3 evaluate the proposals primarily as to the quality of care that is proposed to be
 4 provided, certify those applicants that meet the requirements specified in sub. (3) (a),
 5 select certified applicants for contract, and contract with the selected applicants.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

6 **SECTION 32.** 46.284 (3) (a) of the statutes is amended to read: ✓

7 46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable
 8 rules of the department and submits to the department an application for initial
 9 certification or certification renewal, the department shall certify that the entity
 10 meets the requirements for a care management organization. An application shall
 11 include comments about the applicant and recommendations about the application
 12 that are provided by the appropriate local long-term care council, as specified under
 13 s. 46.282 (3) (a) 3.

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 264, 386.

14 (END)

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

LRB-1562/P1dn

RLR:..

gf

Date

Steve Milioto:

Do you want to delay the effective date for any portion of this draft (eliminating local long-term care councils, expanding the duties of governing boards of resource centers, or creating regional long-term care advisory committees)?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

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

LRB-1562/P1dn
RLR:kjf:rs

January 24, 2007

Steve Milioto:

Do you want to delay the effective date for any portion of this draft (eliminating local long-term care councils, expanding the duties of governing boards of resource centers, or creating regional long-term care advisory committees)?

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.wisconsin.gov

Ryan, Robin

From: Milioto, Steve - DOA
Sent: Saturday, January 27, 2007 9:34 AM
To: Ryan, Robin
Cc: Forsaith, Andrew C - DHFS
Subject: FW: FW: LRB Draft: 07-1562/P1 Family care resource centergoverning boards and local and regional commi

Importance: High

Attachments: Federal Managed Care Rules Related to G&A



Federal Managed
Care Rules Rel...

Hi Robin --

Please see Andy's responses below.

In regard to point 7/section 28, the Governor wanted to leave the language as is since existing language states, "at least one-fourth of the members of the governing board shall be . . ." There is nothing in the current language which precludes a board from going up to 51% or more if it so desires.

Thanks. Steve

-----Original Message-----

From: Andrew Forsaith [mailto:FORSAAC@dhfs.state.wi.us]
Sent: Friday, January 26, 2007 5:03 PM
To: Milioto, Steve - DOA
Cc: Bove, Fredi-Ellen E - DHFS; Frye, Judith E - DHFS; Jones, Charles M - DHFS; Waller, Diane J - DHFS
Subject: Re: FW: LRB Draft: 07-1562/P1 Family care resource centergoverning boards and local and regional commi

Steve -- Here are answers to Robin's drafters notes

- ✓ 1. Cover sheet: Please make the draft effective upon passage of the budget 2. Section 21: Please keep the section as currently drafted. The idea is that the board will develop recommendations that will be the basis for discussions with the CMO re: possible modifications to their agreement. The board can't amend the agreements unilaterally.
- ✓ 3. Section 22 Note 1 and 2: We would like to use the word "appeal" rather than "complaint" to mirror current terminology used by the FEDs. Appeal would refer to a formal ch. 227 appeal of an "action" by the CMO. Grievances are more informal expressions of dissatisfaction. Please see the attached email re: the federal definitions. The appeals are not limited to those in s. 46.287. We'd prefer to leave the statutes somewhat open ended about how the board will obtain the appeals, etc.
- ✓ 4. Section 22 Note 3: "long term care system" in this section is intended to be broader than Family Care -- it would include PACE/Partnership programs and MA fee for service for individuals not enrolled in a managed care program, who are getting services through the MA card. Can we leave the reference a bit undefined and open ended here?
- ✓ 5. Section 23: Would it possible to modify this paragraph to read "individuals in target groups served by the ADRC" or "people served by the ADRC"? In the future, ADRCs may begin serving people with mental illness, and we'd like to have the paragraph accommodate that, if it can be done without drastic redrafting.
- ✓ 6. Section 27 Note: Please use the word "appeal" rather than "complaint." Do not require CMOs to forward appeals and grievances to the committee. Yes-please have the committee review PACE/Partnership appeals/grievances, but don't require them to be forwarded. Do not include ADRCs in this provision. Please exclude references to "long-term care consumer."

7. Section 28: a. Our drafting instructions had requested that consumers comprise 51% of the Board. Was it an oversight to leave it at 25%, or was it a conscious decision? We and the Long Term Care Council would argue that it is important to give consumers a strong voice on the board, to ensure their voices are heard and the center is focussed on their needs. If you're concerned about a consumer controlled board, for county operated ADRCs, county boards will also continue to oversee the center. All ADRCs are also governed by their contract with DHFS.

b. In s. 46.283(6)(a)2, could we modify the reference to "older persons, persons with a physical disability, or persons with a developmental disability" to "persons in target groups served by the ADRC," for the reason stated in point 5 above. Again, if this would involve a serious rewrite of the statute, then it's fine not to do that.

8. Section 29 Note: We would like to include SSI Managed Care in this paragraph, because in the future, SSI managed care organizations may be operating in the ADRC's service area, and, if so, the ADRC would advise clients on whether to enroll in that program. Could we refer to it as "a managed care program under s. 49.45 for people who are SSI eligible", or something similar? Please use the phrase "family members" to be consistent with the other draft.

9. Section 30 Note 1: OK as drafted.

10. Section 30 Note 2: Could we modify the provision to explicitly say, "The operations of a resource center operated by a county are subject to county ordinances and budget provisions"? The counties that participated in the development of this proposal argued strongly to include this provision.

11. Section 30 Note 3: This provision is OK as drafted, with the following modification in line 7: "...concerning the adequacy and responsiveness of long term care services"

12. Section 30 Note 4: Please modify s. 46.283(4) to direct the ADRC, rather than the board, to "target its outreach, education, prevention, and service development efforts based on the results of" subs. 2 and 3.

If you have any further questions about this draft, you can call me at home this weekend at 231-9637.

>>> "Milioto, Steve - DOA" <steve.milioto@wisconsin.gov> 1/24/2007 2:18

PM >>>

Hi Andy --

This is the last of the Family Care drafts. Please review ASAP -- the window of opportunity to make changes is closing. Best, Steve

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]

Sent: Wednesday, January 24, 2007 2:11 PM

To: Milioto, Steve - DOA

Cc: Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA

Subject: LRB Draft: 07-1562/P1 Family care resource center governing boards and local and regional committees

Following is the PDF version of draft 07-1562/P1.



State of Wisconsin
2007 - 2008 LEGISLATURE

P2
LRB-1562/P1
RLR:kjf:cs
?lmk
RMNR

In 1/28/04

DOA:.....Milioto, BB0385b – Family care resource center governing boards
and local and regional committees

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

B-N

DO NOT GO

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

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 46.27 (4) (am) of the statutes is amended to read:

3 46.27 (4) (am) If a local long-term care council in a county the governing board
4 of a resource center assumes under s. 46.282 (3) (b) 46.283 (6) (b) 10. the duties of the
5 county long-term support planning committee under this subsection, the county
6 long-term support planning committee for the county is dissolved.

7 SECTION 2. 46.27 (4) (c) (intro.) of the statutes is amended to read:

8 46.27 (4) (c) (intro.) The planning committee shall develop, or, if a local
9 long-term care council the governing board of a resource center has under s. 46.282

1 ~~(3) (b) 46.283 (6) (b) 10.~~ assumed the duties of the planning committee, the local
 2 ~~long-term care council governing board of the resource center~~ shall recommend a
 3 community options plan for participation in the program. The plan shall include:

4 **SECTION 3.** 46.27 (4) (c) 5. of the statutes is amended to read:

5 46.27 (4) (c) 5. A description of the method to be used by the committee or, if
 6 ~~a local long-term care council~~ the governing board of a resource center has under
 7 s. ~~46.282 (3) (b) 46.283 (6) (b) 10.~~ assumed the duties of the planning committee, the
 8 ~~local long-term care council governing board of the resource center~~ to monitor the
 9 implementation of the program.

10 **SECTION 4.** 46.2805 (7m) of the statutes is repealed.

11 **SECTION 5.** 46.281 (1) (e) 1. of the statutes is amended to read:

12 46.281 (1) (e) 1. Subject to the requirements of par. (d), ~~if the local long-term~~
 13 ~~care council for the applicable area has developed the initial plan under s. 46.282 (3)~~
 14 ~~(a) 1.,~~ contract with entities specified under par. (d) and may, only if specifically
 15 authorized by the legislature and if the legislature appropriates necessary funding,
 16 contract as so authorized with one or more entities in addition to those specified in
 17 par. (d) certified as meeting requirements under s. 46.284 (3) for services of the entity
 18 as a care management organization.

19 **SECTION 6.** 46.281 (1) (j) of the statutes is created to read:

20 46.281 (1) (j) 1. Define boundaries for regional long-term care advisory
 21 committees under s. 46.2825, periodically review the boundaries, and, as
 22 appropriate, revise the boundaries.

23 2. Specify the number of members that each governing board of a resource
 24 center shall appoint to a regional long-term care advisory committee. The total
 25 number of committee members shall not exceed 25, and the department shall allot

*Establish regions
"for"*

*of
the
regions*

1 committee membership equally among the governing boards of resource centers
2 operating within the boundaries of the regional long-term care advisory committee.

3 3. Provide information and staff assistance to assist regional long-term care
4 advisory committees in performing the duties under s. 46.2825 (2).

5 **SECTION 7.** 46.282 (title) of the statutes is repealed.

6 **SECTION 8.** 46.282 (2) of the statutes is repealed.

7 **SECTION 9.** 46.282 (3) (title) of the statutes is repealed.

8 **SECTION 10.** 46.282 (3) (a) (intro.) of the statutes is repealed.

9 **SECTION 11.** 46.282 (3) (a) 1. of the statutes is repealed.

10 **SECTION 12.** 46.282 (3) (a) 2. of the statutes is repealed.

11 **SECTION 13.** 46.282 (3) (a) 3. of the statutes is repealed.

12 **SECTION 14.** 46.282 (3) (a) 4. of the statutes is repealed.

13 **SECTION 15.** 46.282 (3) (a) 5. of the statutes is repealed.

14 **SECTION 16.** 46.282 (3) (a) 6. of the statutes is repealed.

15 **SECTION 17.** 46.282 (3) (a) 7. of the statutes is repealed.

16 **SECTION 18.** 46.282 (3) (a) 8. of the statutes is renumbered 46.2825 (2) (e) and
17 amended to read:

18 46.2825 (2) (e) Monitor the ~~pattern of~~ enrollments and disenrollments in local
19 care management organizations that provide services in the committee's region.

20 **SECTION 19.** 46.282 (3) (a) 9. of the statutes is renumbered 46.283 (6) (b) 3. and
21 amended to read:

22  46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and
23 community resources and develop strategies to build local capacity to serve needed
24 by older persons and persons with physical or developmental disabilities, especially
25 those with long-term care needs.

1 SECTION 20. 46.282 (3) (a) 10. of the statutes is renumbered 46.2825 (2) (g) and
2 amended to read:

3 46.2825 (2) (g) Perform long-range planning on long-term care policy for older
4 persons and persons with physical or developmental disabilities.

5 SECTION 21. 46.282 (3) (a) 11. of the statutes is renumbered 46.283 (6) (b) 8. and
6 amended to read:

7 46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the
8 resource center and care management ~~organization or organizations~~ that provide
9 services in the area served by the resource center and make recommendations, as
10 appropriate, on the interaction between the resource center and the care
11 management ~~organization or organizations~~ to assure coordination between or
12 among them and to assure access to and timeliness in provision of services by the
13 resource center and the care management organizations.

****NOTE: To whom is the resource center board making recommendations? Since the board is one of the parties involved in the agreements, shouldn't it amend the agreements instead of just making recommendations?

14 SECTION 22. 46.282 (3) (a) 12. of the statutes is renumbered 46.283 (6) (b) 9. and
15 amended to read:

16 46.283 (6) (b) 9. Annually review Review the number and types of ~~complaints~~
17 ~~and~~ grievances ~~about~~ the long-term care system by ~~persons who receive or may~~
18 ~~receive care under the system~~ in the area served by the resource center, to determine
19 if a need exists for system changes, and recommend system or other changes if
20 appropriate.

****NOTE: 1. Current law refers to grievances and complaints. The drafting instructions refer to grievances and appeals. Do you want appeals instead of complaints, and do you mean administrative appeals under s. 46.287?
2. It is unclear how resource center governing boards will obtain the complaints -- are they to receive complaints directly from the complainants, or will the complaints be forwarded to the boards, and if so by whom?

and appeals concerning

3. Under current law s. 46.281 (1) (g) 4., the long-term care system is referred to as "the long-term care system specified under ss. 46.2805 to 46.2895," in other words, just Family Care. Other current law references to "the long-term care system" within the Family Care statutes do not specify what it is. Is the long-term care-system here only Family Care?

JNS 5-1

1 **SECTION 23.** 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6.

2 **SECTION 24.** 46.282 (3) (a) 14. of the statutes is repealed.

3 **SECTION 25.** 46.282 (3) (a) 15. of the statutes is repealed.

4 **SECTION 26.** 46.282 (3) (b) of the statutes is renumbered 46.283 (6) (b) 10. and
5 amended to read:

6 46.283 (6) (b) 10. ~~A local long-term care council may, within the local~~
7 ~~long-term care council's area~~ If directed to do so by the county board, assume the
8 duties of the county long-term community support planning committee as specified
9 under s. 46.27 (4) for a county served by the resource center.

10 **SECTION 27.** 46.2825 of the statutes is created to read:

11 **46.2825 Regional long-term care advisory committees. (1) CREATION.**
12 The governing board of each resource center operating in a region ~~defined~~ ^{established} by the
13 department under s. 46.281 (1) (j) 1. shall appoint the number of its members that
14 is specified by the department under s. 46.281 (1) (j) 2. to a regional long-term care
15 advisory committee. At least 50 percent of the persons a resource center board
16 appoints to a regional long-term care advisory committee shall be older persons or
17 persons with a physical or developmental disability or their family members,
18 guardians, or other advocates.

19 **(2) DUTIES.** A regional long-term care advisory committee shall do all of the
20 following:

21 (a) Evaluate the performance of care management organizations and entities
22 that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's

1 region with respect to responsiveness to recipients of their services, fostering choices
2 for recipients, and other issues affecting recipients; and make recommendations
3 based on the evaluation to the department and to the care management
4 organizations and entities, as appropriate.

5 (b) Evaluate the performance of resource centers operating in the committee's
6 region and, as appropriate, make recommendations, concerning their performance
7 to the department and the resource centers.

8 (c) Monitor ~~complaints and~~ ^{remove} grievances ^{and appeals} made to care management
9 organizations or entities that operate a program described under s. 46.2805 (1) (a)
10 or (b) within the committee's region.

****NOTE: See the note under proposed s. 46.283 (6) (b) 9., as renumbered from s. 46.282 (3) (a) 12., regarding complaints versus appeals. Also, do you want to require care management organizations to forward copies of complaints to the regional long-term care advisory committees? This draft requires the committees to review complaints made to organizations that operate PACE or Partnership Programs. Should it, and if so, should the draft require such organizations to send copies of complaints to the committee? Should the committees also review complaints regarding resource centers? The drafting instructions provide that the regional committee shall review complaints made by persons served by CMOs and "other long-term care consumers." Who else is a long-term care consumer, and with whom do these other persons register the complaints that the committees are supposed to review?

11 (d) Review utilization of long-term care services in the committee's region.

12 (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards
13 of resources centers operating in the committee's region and other available
14 information, identify any gaps in the availability of services, living arrangements,
15 and community resources needed by older persons and persons with physical or
16 developmental disabilities, and develop strategies to build capacity to provide those
17 services, living arrangements, and community resources in the committee's region.

1 (h) Annually report to the department regarding significant achievements and
2 problems relating to the provision of long-term care services in the committee's
3 region.

INS 3-21

4 SECTION 28. 46.283 (6) of the statutes is amended to read:

5 46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing
6 board that reflects the ethnic and economic diversity of the geographic area served
7 by the resource center.

8 2. At least one-fourth of the members of the governing board shall be ~~older~~
9 ~~persons or persons with physical or developmental disabilities~~ or their family
10 members, guardians, or other advocates. The proportion of these board members

INS 7-9

INS 7-10

11 who are older persons, persons with a physical disability, or persons with a
12 developmental disability, or the family members, guardians, or advocates of such
13 persons, shall be the same, respectively, as the proportion of persons in this state who
14 receive services under s. 46.2805 to 46.2895 who are older persons, persons with a
15 physical disability, or persons with a developmental disability.

16 SECTION 29. 46.283 (6) (a) 3. of the statutes is created to read:

17 46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the
18 governing board of, a care management organization or an organization that
19 administers a program described under s. 46.2805 (1) (a) or (b), which serves any
20 geographic area also served by a resource center, and the individual's immediate
21 family members, may not serve as members of the governing board of the resource
22 center.

***NOTE: This draft prohibits persons who have an interest in a care management organization or an organization that runs a PACE or Partnership Program from serving on the resource center board. The drafting instructions also prohibit persons who have an interest in an organization that runs an SSI Managed Care program. In other budget drafts, we have not referred to SSI Managed Care -- should I include it here? Also, should

or a managed care program under s. 49.45 for individuals who are eligible to receive Supplemental security income under 42 USC 1381 to 1383c

this draft refer to "immediate family members," as provided in the drafting instructions or to "family members," as defined in LRB-0330?

1 **SECTION 30.** 46.283 (6) (b) of the statutes is created to read:

2 46.283 (6) (b) The governing board of a resource center shall do all of the
3 following:

****NOTE: This draft does not require a governing board of a resource center to "be accountable for the mission and goals of the resource center." The governing board of any organization is responsible for setting its mission and goals.

4 1. Determine the structure, policies, and procedures of, and oversee the
5 operations of, the resource center. *INS 8-5*

****NOTE: The draft does not specify that a resource center board's responsibilities, with respect to determining structure, policies, and procedures, and overseeing operations, are limited by county ordinances and budget, because the statutes permit a private organization or an Indian tribe to serve as a resource center, and they shouldn't be subject to county limits. I think it is clear that any resource center operated by a county is subject to county ordinances and limited to the budget established for it by the county.

6 2. Annually gather information from consumers and providers of long-term
7 care services and other interested persons concerning the adequacy of long-term
8 care services offered in the area served by the resource center. The board shall
9 provide well-advertised opportunities for persons to participate in the board's
10 information gathering activities conducted under this subdivision.

****NOTE: The drafting instructions direct the board to participate in the information gathering process. I assume that the board has to initiate and lead this process, not just participate. If this is not correct, who must initiate and lead the process? The drafting instructions also call for a resource center board to gather information on "consumer responsiveness" of long-term care services. I presume "consumer responsiveness" gets at whether the services meet the needs of the consumers, which is addressed under adequacy.

11 4. Report findings made under subds. 2. and 3. to the applicable regional
12 long-term care advisory committee.

****NOTE: The drafting instructions provide that the board "shall target its outreach, education, prevention and service development efforts based on the results of this process [the annual information gathering under subd. 2.]." What does this mean? Should the draft require the board to perform outreach, education, and prevention services and to develop service capacity? Would the governing board do all these things, or are some of these duties more appropriate for the resource center, which under s. 46.283 (3) (c) is required to provide prevention services, "within the limits of available funding."

1 5. Recommend strategies for building local capacity to serve older persons and
2 persons with physical or developmental disabilities, as appropriate, to local elected
3 officials, the regional long-term care advisory committee, or the department.

4 7. Appoint members to the regional long-term care advisory committee, as
5 provided under s. 46.2825 (1).

6 **SECTION 31.** 46.284 (1) (a) (intro.) of the statutes is amended to read:

7 46.284 (1) (a) (intro.) ~~After considering recommendations of the local~~
8 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors and,
9 in a county with a county executive or a county administrator, the county executive
10 or county administrator, may decide all of the following:

11 **SECTION 32.** 46.284 (2) (b) 1. a. of the statutes is amended to read:

12 46.284 (2) (b) 1. a. The county ~~and the local long-term care council agree~~ agrees
13 in writing that at least one additional care management organization is necessary
14 or desirable.

15 **SECTION 33.** 46.284 (2) (b) 3. of the statutes is amended to read:

16 46.284 (2) (b) 3. After December 31, 2003, the department may contract with
17 counties, family care districts, the governing body of a tribe or band or the Great
18 Lakes inter-tribal council, inc., or under a joint application of any of these, or with
19 a private organization that has no significant connection to an entity that operates
20 a resource center. Proposals for contracts under this subdivision shall be solicited
21 under a competitive sealed proposal process under s. 16.75 (2m) and, ~~after consulting~~
22 ~~with the local long-term care council for the county or counties,~~ the department shall
23 evaluate the proposals primarily as to the quality of care that is proposed to be
24 provided, certify those applicants that meet the requirements specified in sub. (3) (a),
25 select certified applicants for contract, and contract with the selected applicants.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1562/P2ins
RLR:.....

1 **Ins 3-21:** (on pg 7)

2 **SECTION 1.** 46.283 (4) (j) of the statutes is created to read:

3 46.283 (4) (j) Target any outreach, education, and prevention services it
4 provides and any service development efforts it conducts on the basis of findings
5 made by the governing board of the resource center under sub. (6) (b) 2. and 3. ✓
6

7 **Ins 5-1:**

8 **SECTION 2.** 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6. and
9 amended to read:

10 46.283 (6) (b) 6. Identify potential new sources of community resources and
11 funding for needed services for ~~older persons and persons with physical or~~
12 ~~developmental disabilities~~ individuals belonging to the client groups served by the
13 resource center. ✓

14 History: 1999 a. 9; 2001 a. 103; 2005 a. 386.

15
16 **Ins 7-9:**

17 NOT individuals who belong to a client group served by the resource center
18

19 **Ins 7-10:**

20 NOT who belong to each client group, or their family members, guardians, or
21 advocates, shall be the same, respectively, as the proportion of individuals in this
22 state who receive services under s. 46.2805 to 46.2895 and belong to each client
23 group. ✓

1

2

3

Ins 8-5:

4

NOA The operations of a resource center that is operated by a county are subject to

5

the county's ordinances and budget. ✓

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

LRB-1562/P2dn

RLR:.....

Imk

(date)

Steve:

This redraft makes all the changes requested except number 11 in Andy's e-mail message of January 27, 2007. ✓ DHFS wants governing boards of the resource centers to gather information concerning the adequacy and responsiveness of long-term care services. ✓ But a service is not "responsive." Are they getting at whether the services provided satisfy the needs of recipients or are they getting at whether service providers are responsive to service recipients? ✓ I can make this change yet this week if I understand the request. ✓

As requested by DHFS, this redraft replaces references to 'older persons and persons with disabilities' with references to 'individuals belonging to client groups served by a resource center.' Should I make this change uniformly throughout the family care statutes (in s. 46.282 (3) (a) 9. and 10., as renumbered, ✓ and in 46.284 (6))? ✓

fix direction

Robin Ryan
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1562/P2dn
RLR:lmk:nwn

January 28, 2007

Steve:

This redraft makes all the changes requested except number 11 in Andy's e-mail message of January 27, 2007. DHFS wants governing boards of the resource centers to gather information concerning the adequacy and responsiveness of long-term care services. But a service is not "responsive." Are they getting at whether the services provided satisfy the needs of recipients or are they getting at whether service providers are responsive to service recipients? I can make this change yet this week if I understand the request.

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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
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Ryan, Robin

From: Milioto, Steve - DOA
Sent: Tuesday, January 30, 2007 8:05 AM
To: Ryan, Robin
Subject: FW: FW: LRB Draft: 07-1562/P2 Family care resource centergoverning boards and local and regional commi

Please make these final revisions.

-----Original Message-----

From: Andrew Forsaith [mailto:FORSAAC@dhfs.state.wi.us]
Sent: Monday, January 29, 2007 5:58 PM
To: Milioto, Steve - DOA
Subject: Re: FW: LRB Draft: 07-1562/P2 Family care resource centergoverning boards and local and regional commi

Steve -- on the two points in Robin's cover sheet:

- 1) We'll defer to Robin's judgment on the word "responsiveness" - the phrase is fine as drafted.
- 2) If there still is an opportunity, please amend s. 46.282(3)(a)9. ✓
and 10. ✓ and s. 46.284(6) to use the phrase "client groups served by the resource center"

Thanks much.

2 already dealt w/ in LRB-1524

>>> "Milioto, Steve - DOA" <steve.milioto@wisconsin.gov> 1/29/2007
11:53:01 AM >>>
Version 2.0

From: Natzke, Noah [mailto:Noah.Natzke@legis.wisconsin.gov]
Sent: Monday, January 29, 2007 11:21 AM
To: Milioto, Steve - DOA
Cc: Johnston, James - DOA; Hanaman, Cathlene - LEGIS; Palchik, Laurie A - DOA
Subject: LRB Draft: 07-1562/P2 Family care resource center governing boards and local and regional committees

Following is the PDF version of draft 07-1562/P2.