

2007 SENATE BILL 328

November 15, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Public Health, Senior Issues, Long Term Care and Privacy.

1 **AN ACT** *to renumber and amend* 50.03 (2m) (b); *to amend* 50.03 (2m) (a); and
2 *to create* 50.03 (2m) (b) 1. and 50.03 (2m) (b) 2. of the statutes; **relating to:**
3 service of notice for certain licensees, registrants, or holders of certificates or
4 applicants for licensure, registration, or certification (suggested as remedial
5 legislation by the Department of Health and Family Services).

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) licenses and otherwise regulates nursing homes and community-based residential facilities, and certifies or registers residential care apartment complexes. Also, DHFS or a county may license or certify certain adult family homes.

Currently, each licensee or applicant for licensure must file with DHFS the name and address of a person who is authorized to accept service of notice or other papers. Proper service is personal service or the sending of the notice or other paper by registered or certified mail, with a return receipt requested.

This bill applies to certified or registered residential care apartment complexes and certified adult family homes current law relating to service of notices. The bill requires that each licensee, registrant, or certificate holder or applicant for licensure, registration, or certification file with DHFS the name and address of a person authorized to accept service by mail or electronic mail, and specifies that proper notice includes the sending of a notice or paper by mail or e-mail, with a return acknowledgement requested.

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For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 50.03 (2m) (a) of the statutes is amended to read:

2 50.03 **(2m)** (a) Each licensee, registrant, or holder of a certificate or applicant
3 for license licensure, certification, or registration by the department under this
4 subchapter shall file with the department the name and address of a person
5 authorized to accept service of any notices or other papers which the department may
6 send by registered or certified mail, with a return receipt requested, or by mail or
7 electronic mail, with a return acknowledgement requested. The person authorized
8 by a nursing home under this paragraph shall be located at the nursing home.

9 **SECTION 2.** 50.03 (2m) (b) of the statutes is renumbered 50.03 (2m) (b) (intro.)
10 and amended to read:

11 50.03 **(2m)** (b) (intro.) Notwithstanding s. 879.05, wherever whenever in this
12 subchapter the department is required to serve any notice or other paper on a
13 licensee or applicant for license, proper service is personal service or the sending of
14 the notice or paper by registered or certified mail, with a return receipt requested,
15 if made to the most recent address on file with the department under par. (a) shall
16 constitute proper service., is the sending of the notice or paper by one of the following
17 means:

18 **SECTION 3.** 50.03 (2m) (b) 1. of the statutes is created to read:

