

ASSEMBLY BILL 611 (LRB -3366)

An Act to amend 46.279 (5) of the statutes; relating to: creating an exception to the prohibition on protective placement or continued protective placement of an individual in a nursing facility (suggested as remedial legislation by the Department of Health and Family Services).

2007

- 12-04. A. Introduced by **LAW REVISION COMMITTEE.**
- 12-04. A. Read first time and referred to committee on Aging and Long Term Care ..... 373

2008

- 01-22. A. Public hearing held.
- 01-30. A. Executive action taken.
- 02-13. A. Report passage recommended by committee on Aging and Long Term Care, Ayes 10, Noes 0 ..... 503
- 02-13. A. Referred to committee on Rules ..... 503
- 02-21. A. Placed on calendar 2-26-2008 by committee on Rules.
- 02-26. A. Read a second time ..... 551
- 02-26. A. Ordered to a third reading ..... 551
- 02-26. A. Rules suspended ..... 551
- 02-26. A. Read a third time and **passed** ..... 551
- 02-26. A. Ordered immediately messaged ..... 551
- 02-27. S. Received from Assembly ..... 626
- 02-28. S. Read first time and referred to committee on Public Health, Senior Issues, Long Term Care and Privacy .... 632
- 03-05. S. Public hearing held.
- 03-06. S. Executive action taken.
- 03-06. S. Report concurrence recommended by committee on Public Health, Senior Issues, Long Term Care and Privacy, Ayes 5, Noes 0.
- 03-06. S. Available for scheduling.
- 03-06. S. Placed on calendar 3-11-2008 by committee on Senate Organization.
- 03-11. S. Read a second time ..... 3
- 03-11. S. Ordered to a third reading ..... 3
- 03-11. S. Rules suspended ..... 3
- 03-11. S. Read a third time and **concurred in** ..... 3
- 03-11. S. Ordered immediately messaged ..... 3
- 03-11. A. Received from Senate concurred in.

**2007  
ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

07 3366 / 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Pal

3-11-08      [Signature]  
Date                      Enrolling Drafter

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## 2007 ASSEMBLY BILL 611

December 4, 2007 - Introduced by LAW REVISION COMMITTEE. Referred to  
Committee on Aging and Long Term Care.

1     **AN ACT to amend** 46.279 (5) of the statutes; **relating to:** creating an exception  
2           to the prohibition on protective placement or continued protective placement  
3           of an individual in a nursing facility (suggested as remedial legislation by the  
4           Department of Health and Family Services).

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### *Analysis by the Legislative Reference Bureau*

Under current law, no one may protectively place or continue protective placement of an individual with a developmental disability in an intermediate care facility for the mentally retarded (ICFMR) and no ICFMR may admit or continue service for the individual unless a court finds, after considering a county plan for the individual's care, that protective placement in the ICFMR is the most integrated setting appropriate to the needs of the individual or that the county of residence would not reasonably be able to provide community-based care for the individual. If the Department of Health and Family Services (DHFS) or an entity determines from a screening that an individual requires active treatment for developmental disability, the individual may not be protectively placed or have protective placement continued in a nursing facility unless DHFS or the entity determines that the individual's needs cannot fully be met in an ICFMR or under a county plan, or that the county of residence would not reasonably be able to provide community-based care for the individual. There are two exceptions to these prohibitions: emergency protective placements and temporary protective placements.

This bill creates a third exception to the prohibitions on protective placement or continued protective placement of an individual with developmental disability in

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a nursing facility. This exception is the instance in which an individual with developmental disability enters a nursing facility immediately after release from a hospital, for a period not to exceed 30 days.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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***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.** 46.279 (5) of the statutes is amended to read:
- 2       46.279 (5) EXCEPTIONS. Subsections (2) and (3) do not apply to entrance to a
- 3       facility under s. 49.45 (6c) (e) 1., to an emergency protective placement under s.
- 4       55.135, or to a temporary protective placement under s. 55.135 (5) or 55.055 (5).

NOTE: This bill creates an additional exception to the requirement that an admission to an intermediate care facility for the mentally retarded (ICF-MR) or a nursing home be found to be the most integrated setting for the individual being admitted. Under this bill, this finding need not be made if the person being admitted has a developmental disability and is being admitted to a nursing facility immediately after release from a hospital, for a period not to exceed 30 days.

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(END)