

2009 DRAFTING REQUEST

Bill

Received: 11/06/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Christian Moran

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Adl. Drafters:

Subject: Health - facility licensure

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Standards for facilities that claim to provide special care for persons with Alzheimer's disease

Instructions:

Redraft AB 493

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>
/?	rryan 11/21/2008	kfollett 12/03/2008		_____			State
/1			jfrantze 12/03/2008	_____	mbarman 12/03/2008		S&L
/2	rryan 01/27/2009	kfollett 02/10/2009	jfrantze 02/10/2009	_____	sbasford 02/10/2009		S&L
/3	rryan 04/06/2009	jdye 04/07/2009	mduchek 04/07/2009	_____	lparisi 04/07/2009	cduerst 04/24/2009	

FE Sent For: "/3" @ intro. 5/7/09

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FE Sent For:

13 4/7 jld

MD

MD

<END>

4/7

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/?	rryan 11/21/2008	kfollett 12/03/2008		_____			State
/1		<i>12/10/08</i> <i>2/10</i>	jfrantze 12/03/2008	_____	mbarman 12/03/2008		
FE Sent For:			<i>Jb</i> <i>2/10</i>	<i>Jb/R2</i> <i>2/10</i>			

<END>

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/?	rryan	11/16/08 12/3/08	J. Selb	12/3/08			

FE Sent For:

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0656/11

In 11/21/08

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2007 ASSEMBLY BILL 493

August 28, 2007 - Introduced by Representatives KRUSICK, HINES, BENEDICT, BERCEAU, BLACK, FIELDS, A. OTT, J. OTT, SHERIDAN and YOUNG, cosponsored by Senators DARLING, COGGS, ERPENBACH, LASSA, LEHMAN and WIRCH, by request of Wisconsin Alzheimer's 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, and Wisconsin Coalition of Independent Living Centers, Inc.. Referred to Committee on Aging and Long Term Care.

Regen

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

X

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.

X

ASSEMBLY BILL 493

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

ASSEMBLY BILL 493

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

ASSEMBLY BILL 493**SECTION 7**

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.

ASSEMBLY BILL 493

1 SECTION 12. 50.98 (1) (b) of the statutes is created to read:

2 50.98 (1) (b) Any person who violates s. 50.935 may be required to forfeit not
3 more than \$500.

4 SECTION 13. Nonstatutory provisions.

5 (1) RULE MAKING. (a) The department of health and family services shall submit
6 in proposed form the rules required under section 50.02 (6) of the statutes, as created
7 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
8 later than the first day of the 7th month beginning after the effective date of this
9 subsection.

10 (b) Using the procedure under section 227.24 of the statutes, the department
11 of health and family services may promulgate rules required under section 50.02 (6)
12 of the statutes, as created by this act, for the period before the effective date of the
13 rules submitted under paragraph (a), but not to exceed the period authorized under
14 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
15 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
16 promulgating a rule under this paragraph as an emergency rule is necessary for the
17 preservation of the public peace, health, safety, or welfare and is not required to
18 provide a finding of emergency for a rule promulgated under this paragraph.

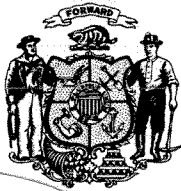
19 SECTION 14. Effective dates. This act takes effect on the first day of the 7th
20 month beginning after publication, except as follows:

21 (1) The treatment of section 50.02 (6) of the statutes and SECTION 13 take effect
22 on the day after publication.

23

(END)

a.i.
take effect
of this act



In 1/27/09

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2009 BILL

RMB

Regen

reports on residential care facilities,

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 Services (DHS) licenses or certifies various types of residential care facilities. This bill requires DHS 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 DHS determines that the facility satisfies the standards of care and treatment for people with Alzheimer's disease or related dementia.

SCERTS

INS B →

AFHS

REALS

INS A

BILL

FE-SL

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:

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

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

FNS 2-8

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

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

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

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

4. Advocates for persons under subd. 3.

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

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

BILL

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 *for each day of violation*

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. *Whoever violates sub. (3m) may be required to forfeit not
more than \$500 for each day of 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

BILL

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. *whoever violates sub. (10m) may be required to forfeit not
more than \$500 for each day of 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.

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1 **SECTION 12.** 50.98 (1) (b) of the statutes is created to read:

2 50.98 (1) (b) Any person who violates s. 50.935 may be required to forfeit not
3 more than \$500.

4 **SECTION 13. Nonstatutory provisions.**

5 (1) RULE MAKING. (a) The department of health and family services shall submit
6 in proposed form the rules required under section 50.02 (6) of the statutes, as created
7 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
8 later than the first day of the 7th month beginning after the effective date of this
9 subsection.

10 (b) Using the procedure under section 227.24 of the statutes, the department
11 of health and family services may promulgate rules required under section 50.02 (6)
12 of the statutes, as created by this act, for the period before the effective date of the
13 rules submitted under paragraph (a), but not to exceed the period authorized under
14 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
15 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
16 promulgating a rule under this paragraph as an emergency rule is necessary for the
17 preservation of the public peace, health, safety, or welfare and is not required to
18 provide a finding of emergency for a rule promulgated under this paragraph.

19 **SECTION 14. Effective dates.** This act takes effect on the first day of the 7th
20 month beginning after publication, except as follows:

21 (1) The treatment of section 50.02 (6) of the statutes and SECTION 13 of this act
22 take effect on the day after publication.

23 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0656/2ins
RLR:.....

Ins A:

, including nursing homes, community-based residential facilities (CBRFs), residential care apartment complexes (RCACs), and adult family homes (AFHs). Also under current law, DHS must annually give each nursing home a report that includes the following information: 1) the nursing home's nursing staff to resident ratio; 2) staff turnover for the nursing home and for other similar nursing homes in the same geographic area; and 3) violations by the nursing home and by other similar nursing homes in the same geographic area. DHS must also give nursing homes a one-sheet summary of the report. Nursing homes must provide the summary to every resident and prospective resident and must make the full report available to any person who requests it

The bill also requires that, if a nursing home holds itself out as providing special services for persons with Alzheimer's disease or related dementia, DHS must include in the annual report DHS gives the nursing home a description of how the nursing home satisfies the standards established by DHS for care and treatment for persons with Alzheimer's disease or related dementia.

x
x
x
The bill requires DHS to annually give each CBRF, RCAC, or AFH a report that includes information on violations by the CBRF, RCAC, or AFH and by any similar CBRF, RCAC, or AFH in the same geographic area. In addition, if the CBRF, RCAC, or AFH holds itself out as providing special services for persons with Alzheimer's disease or related dementia, DHS must include in the report a description of how the CBRF, RCAC, or AFH satisfies the standards established by DHS for care and treatment for persons with Alzheimer's disease. DHS must also give each CBRF, RCAC, or AFH a summary of its report. The bill requires each CBRF, RCAC, or AFH to provide the summary to each resident and prospective resident of the CBRF, RCAC, or AFH.

INSERT for 0656/2

**SENATE AMENDMENT 1,
TO 2007 SENATE BILL 283**

January 11, 2008 - Offered by COMMITTEE ON PUBLIC HEALTH, SENIOR ISSUES, LONG
TERM CARE AND PRIVACY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 6: before "nursing" insert "or".

3 **2.** Page 2, line 6: delete the material beginning with ", or hospice" and ending
4 with "50.90 (1)," on line 7.

5 **3.** Page 2, line 8: after "dementia" insert *and*, including standards for staff
6 training and staffing levels and standards for security at the adult family home,
7 residential care apartment complex, community-based residential facility, or
8 nursing home".

9 **4.** Page 2, line 13: delete "nursing homes, and" and substitute "and nursing
10 homes".

11 **5.** Page 2, line 14: delete "hospices".

TWS
2-8

1 **6.** Page 2, line 16: delete “nursing homes, and” and substitute “and nursing
2 homes”.

3 **7.** Page 2, line 17: delete “hospices”.

4 **8.** Page 4, line 12: after that line insert:

5 ~~SECTION 9c.~~ 50.095 (title) of the statutes is amended to read:

6 **50.095 (title) Resident’s right to know; nursing home facility reports.**

7 ~~SECTION 9f.~~ 50.095 (1) of the statutes is renumbered 50.095 (1r) and amended
8 to read:

9 50.095 (1r) Every resident in or prospective resident of a ~~nursing home~~ facility
10 has the right to know certain information from the ~~nursing home~~ facility which
11 would aid an individual in assessing the quality of care provided by ~~a nursing home~~
12 the facility.

13 ~~SECTION 9i.~~ 50.095 (1g) of the statutes is created to read:

14 50.095 (1g) In this section:

15 (a) “Adult family home” means an adult family home under s. 50.01 (1) (b).

16 (b) “Facility” means an adult family home, a community-based residential
17 facility, a nursing home, or a residential care apartment complex.

18 ~~SECTION 9l.~~ 50.095 (2) of the statutes is amended to read:

19 50.095 (2) The department may request from a ~~nursing home~~ facility
20 information necessary for preparation of a report under sub. (3) or (3g), and the
21 ~~nursing home~~ facility, if so requested, shall provide the information.

22 ~~SECTION 9o.~~ 50.095 (3) (d) of the statutes is created to read:

23 50.095 (3) (d) If the nursing home holds itself out as providing special services
24 for persons with Alzheimer’s disease or related dementia, a description of how the

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1 nursing home satisfies the standards promulgated by rule under s. 50.02 (6) for the
2 care and treatment of persons with Alzheimer's disease or related dementia.

3 ~~SECTION 9r.~~ SECTION ~~9r.~~ 50.095 (3g) of the statutes is created to read:

4 50.095 (3g) By July 1 of each year, the department shall provide each adult
5 family home, community-based residential facility, and residential care apartment
6 complex and the office of the long-term care ombudsman with a report that includes
7 the following information:

8 (a) Any violations of statutes or rules that the adult family home, community
9 based-residential facility, or residential care apartment complex and all other
10 similar facilities in the same geographical area, as determined by the department,
11 committed in the previous year.

12 (b) If the adult family home, community based-residential facility, or
13 residential care apartment complex holds itself out as providing special services for
14 persons with Alzheimer's disease or related dementia, a description of how the
15 facility satisfies the standards promulgated by rule under s. 50.02 (6) for the care and
16 treatment of persons with Alzheimer's disease or related dementia.

17 ~~SECTION 9r.~~ SECTION ~~9r.~~ 50.095 (3m) of the statutes is amended to read:

18 50.095 (3m) The department shall prepare a simplified summary of the
19 information required under sub. (3) ~~(am) to (e)~~ for each nursing home and shall
20 prepare a summary of the information required under sub. (3g) for each adult family
21 home, community-based residential facility, and residential care apartment
22 complex, as specified by rule by the department. The Each summary shall be on one
23 sheet of paper and shall be in language that is easily understood by laypersons. The
24 summary summaries for nursing homes and community based-residential facilities
25 shall state that a complete copy of the most recent report of inspection of the nursing

1 home or community-based residential facility is available from the department,
2 upon request, for a minimal fee.

3 SECTION ~~9y~~ 50.095 (4) of the statutes is amended to read:

4 50.095 (4) Upon receipt of a report under sub. (3), ~~the nursing home or (3g), a~~
5 facility shall make the report available to any person requesting the report. Upon
6 receipt of a summary under sub. (3m), ~~the nursing home a~~ facility shall provide a copy
7 of the summary to every resident of the ~~nursing home~~ facility and his or her
8 guardian, if any, to every prospective resident of the ~~nursing home~~ facility, if any, and
9 to every person who accompanies a prospective resident or acts as the prospective
10 resident's representative, as defined in s. 655.001 (12), if any. *de*

11 **9.** Page 4, line 13: delete the material beginning with that line and ending with
12 page 5, line 3.

13 (END)

Ryan, Robin

From: Moran, Christian
Sent: Tuesday, January 13, 2009 1:53 PM
To: Ryan, Robin
Subject: request for /2 of LRB-0656 (Alzheimer's units)

Hi Robin,

Per my instructions, you redrafted 2007 SB 283 for this session as LRB-0656/1. When I made the request, I forgot that SB 283 had been amended last session and that we wanted this session's bill to reflect those changes. Therefore, could you please draft a /2 of LRB-0656 to reflect the changes that were made to SB 283 by SA 1 and SA 2.

Thanks,

Christian

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733

Ryan, Robin

From: Moran, Christian
Sent: Friday, April 03, 2009 4:16 PM
To: Ryan, Robin
Subject: FW: Alzheimer's Special Care Bill (LRB-0656/2)
Attachments: LRB-0656-2.040309.doc

Sorry, one more thing. Could you please prepare a /3 that removes residential care apartment complexes (RCACs) from the requirements of the bills. Thanks!

From: Moran, Christian
Sent: Friday, April 03, 2009 2:24 PM
To: Ryan, Robin
Subject: Alzheimer's Special Care Bill (LRB-0656/2)

Hi Robin,

I have a favor to ask. Attached is a memo our office prepared summarizing the key provisions of LRB-0656/2, the Alzheimer's special care bill you drafted for us.

I believe our summary is accurate and reasonably complete, but would it be possible for you to review this document to make sure there aren't any errors or omissions I've overlooked?

Thanks,

Christian

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733



State of Wisconsin
2009 - 2010 LEGISLATURE

3
LRB-0656/2

RLR:kjf:jf

↑ + jld

In 4/6/09

2009 BILL

RMR

Regen Cat. ✓

X

1 AN ACT *to renumber and amend* 50.033 (6) and 50.095 (1); *to amend* 50.034
 2 (8) (a), 50.035 (11) (a), 50.095 (title), 50.095 (2), 50.095 (3m) and 50.095 (4); and
 3 *to create* 50.02 (6), 50.033 (2p), 50.033 (6) (b), 50.034 (3m), 50.035 (10m), 50.04
 4 (2x), 50.095 (1g), 50.095 (3) (d) and 50.095 (3g) of the statutes; **relating to:** the
 5 care and treatment of persons with Alzheimer's disease ✓ or related dementia in
 6 residential care facilities, reports on residential care facilities ✓, providing an
 7 exemption from emergency rule procedures, and requiring the exercise of
 8 rule-making authority. ✓, and providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) licenses or certifies various types of residential care facilities, including nursing homes, community-based residential facilities (CBRFs), residential care apartment complexes (RCACs), and adult family homes (AFHs). Also under current law, DHS must annually give each nursing home a report that includes the following information: 1) the nursing home's nursing staff to resident ratio; 2) staff turnover for the nursing home and for other similar nursing homes in the same geographic area; and 3) violations by the nursing home and by other similar nursing homes in the same geographic area. DHS must also give nursing homes a one-sheet summary

BILL

of the report. Nursing homes must provide the summary to every resident and prospective resident and must make the full report available to any person who requests it.

and ✓ This bill requires DHS to establish standards of care and treatment for people with Alzheimer's disease or related dementia. The bill prohibits nursing homes, CBRFs, AFHs, and RCACs, from holding themselves out as providing special services for persons with Alzheimer's disease or related dementia unless DHS determines that the facility satisfies the standards of care and treatment for people with Alzheimer's disease or related dementia. ✓

The bill also requires that, if a nursing home holds itself out as providing special services for persons with Alzheimer's disease or related dementia, DHS must include in the annual report DHS gives the nursing home a description of how the nursing home satisfies the standards established by DHS for care and treatment for persons with Alzheimer's disease or related dementia.

The bill requires DHS to annually give each ✓ CBRF, RCAC, and AFH a report that includes information on violations by the ✓ CBRF, RCAC, or AFH and by any similar CBRF, RCAC, or AFH in the same geographic area. In addition, if a CBRF, RCAC, or AFH holds itself out as providing special services for persons with Alzheimer's disease or related dementia, DHS must include in the report a description of how the ✓ CBRF, RCAC, or AFH satisfies the standards established by DHS for care and treatment for persons with Alzheimer's disease. DHS must also give each ✓ CBRF, RCAC, and AFH a summary of its report. The bill requires each CBRF, RCAC, and AFH to provide the summary to each resident and prospective resident of the CBRF, RCAC, or AFH. ✓

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.** 50.02 (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 (5) family home under s. 50.01 (1) (b), ✓ residential care apartment complex,
- 6 community-based residential facility, ✓ or nursing home must satisfy to hold itself out
- 7 as providing special services for persons with Alzheimer's disease or related
- 8 dementia, including standards for staff training and staffing levels and standards

BILL

1 for security at the adult family home, residential care apartment complex,
2 community-based residential facility, or nursing home.

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

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

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

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

10 4. Advocates for persons under subd. 3.

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

12 50.033 (2p) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. An adult family
13 home may not hold itself out as providing special services for persons with
14 Alzheimer's disease or related dementia unless the agency that licenses the adult
15 family home under this section determines that the adult family home satisfies the
16 standards promulgated by rule under s. 50.02 (6).

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

19 50.033 (6) (a) Any Except as provided under par. (b), any person who violates
20 this section or rules promulgated under s. 50.02 (2) (am) 2. may be fined not more
21 than \$500 or imprisoned for not more than one year in the county jail or both.

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

23 50.033 (6) (b) Any person who violates sub. (2p) may be required to forfeit not
24 more than \$500 for each day of violation.

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

BILL**SECTION 5**

1 50.034 (3m) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A residential care
2 apartment complex may not hold itself out as providing special services for persons
3 with Alzheimer's disease or related dementia unless the department determines
4 that the residential care apartment complex satisfies the standards promulgated by
5 rule under s. 50.02 (6).

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

7 50.034 (8) (a) Whoever violates sub. (5m) or (5n) or rules promulgated under
8 sub. (5m) or (5n) may be required to forfeit not more than \$500 for each violation.
9 Whoever violates sub. (3m) may be required to forfeit not more than \$500 for each
10 day of violation.

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

12 50.035 (10m) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. A
13 community-based residential facility may not hold itself out as providing special
14 services for persons with Alzheimer's disease or related dementia unless the
15 department determines that the community-based residential facility satisfies the
16 standards promulgated by rule under s. 50.02 (6).

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

18 50.035 (11) (a) Whoever violates sub. (4m) or (4n) or rules promulgated under
19 sub. (4m) or (4n) may be required to forfeit not more than \$500 for each violation.
20 Whoever violates sub. (10m) may be required to forfeit not more than \$500 for each
21 day of violation.

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

23 50.04 (2x) SERVICES FOR PERSONS WITH ALZHEIMER'S DISEASE. (a) A nursing home
24 may not hold itself out as providing special services for persons with Alzheimer's

BILL

1 disease or related dementia[✓] unless the department determines that the nursing
2 home satisfies the standards promulgated by rule under s. 50.02 (6).

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

4 **SECTION 10.** 50.095 (title)[✓] of the statutes is amended to read:

5 **50.095 (title) Resident's right to know; nursing home[✓] facility reports.**

6 **SECTION 11.** 50.095 (1)[✓] of the statutes is renumbered 50.095 (1r)[✓] and amended
7 to read:

8 50.095 (1r) Every resident in or prospective resident of a nursing home[✓] facility
9 has the right to know certain information from the nursing home[✓] facility which
10 would aid an individual in assessing the quality of care provided by[✓] a nursing home
11 the facility.

12 **SECTION 12.** 50.095 (1g)[✓] of the statutes is created to read:

13 50.095 (1g) In this section:[✓]

14 (a) "Adult family home" means an adult family home under s. 50.01 (1) (b).

15 (b) "Facility" means an adult family home,[✓] a community-based residential
16 ^{or} facility, a nursing home,[✓] or a residential care apartment complex.

17 **SECTION 13.** 50.095 (2) of the statutes is amended to read:

18 50.095 (2) The department may request from a nursing home[✓] facility
19 information necessary for preparation of a report under sub. (3)[✓] or (3g), and the
20 nursing home[✓] facility, if so requested, shall provide the information.

21 **SECTION 14.** 50.095 (3) (d) of the statutes is created to read:

22 50.095 (3) (d) If the nursing home[✓] holds itself out as providing special services
23 for persons with[✓] Alzheimer's disease or related dementia, a description of how the
24 nursing home[✓] satisfies the standards promulgated by rule under s. 50.02 (6) for the
25 care and treatment of persons with Alzheimer's disease or related dementia.[✓]

BILL

1 SECTION 15. 50.095 (3g)^x of the statutes is created to read:

2 50.095 (3g) By July 1 of each year, the department shall provide[✓] each adult
3 family home^g ^{and} community-based residential facility[✓], and residential care apartment
4 complex and the office of the long-term care ombudsman with a report that includes
5 the following information:[✓]

6 (a) Any violations of statutes or rules that the adult family home, community-
7 based residential facility^{g Δ}, or residential care apartment complex and all other
8 similar facilities in the same geographical area, as determined by the department,
9 committed in the previous year.

10 (b) If the adult family home, community-based residential facility^{g Δ}, or
11 residential care apartment complex holds itself out as providing special services for
12 persons with Alzheimer's disease or related dementia, a description of how the
13 facility satisfies the standards promulgated by rule under s. 50.02 (6)[✓] for the care and
14 treatment of persons with Alzheimer's disease or related dementia.

15 SECTION 16. 50.095 (3m) of the statutes is amended to read:

16 50.095 (3m) The department shall prepare a simplified summary of the
17 information required under sub. (3) ~~(am) to (e)~~ for each nursing home and shall
18 prepare a summary of the information required under sub. (3g)[✓] for each adult family
19 home^g ^{and} community-based residential facility[✓], and residential care apartment
20 complex, as specified by rule by the department. The Each summary shall be on one
21 sheet of paper and shall be in language that is easily understood by laypersons. The
22 ~~summary summaries~~ for [✓] nursing homes and community-based ^{g Δ} residential facilities
23 shall state that a complete copy of the most recent report of inspection of the nursing
24 home or community-based residential facility[✓] is available from the department,
25 upon request, for a minimal fee.

BILL

1 **SECTION 17.** 50.095 (4)^x of the statutes is amended to read:

2 50.095 (4) Upon receipt of a report under sub. (3), ~~the nursing home or~~^(3g), a
3 facility[✓] shall make the report available to any person requesting the report. Upon
4 receipt of a summary under sub. (3m), ~~the nursing home a~~ facility shall provide a copy
5 of the summary to every resident of the ~~nursing home~~ facility and his or her
6 guardian, if any, to every prospective resident of the ~~nursing home~~ facility, if any, and
7 to every person who accompanies a prospective resident or acts as the prospective
8 resident's representative, as defined in s. 655.001 (12), if any.

9 **SECTION 18. Nonstatutory provisions.**

10 (1) RULE MAKING. ⁴(a) The department of health ~~and family~~^g services shall submit
11 in proposed form the rules required under section 50.02 (6)[✓] of the statutes, as created
12 by this act, to the legislative council staff under section 227.15 (1)[✓] of the statutes no
13 later than the first day of the 7th[✓] month beginning after the effective date of this
14 subsection^g paragraph

15 (b) Using the procedure under section 227.24 of the statutes, the department
16 of health ~~and family~~^g services may promulgate rules required under section 50.02 (6)[✓]
17 of the statutes, as created by this act, for the period before the effective date of the
18 rules submitted under paragraph (a)[✓], but not to exceed the period authorized under
19 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
20 (2) (b), and (3) of the statutes, the department[✓] is not required to provide evidence that
21 promulgating a rule under this paragraph[✓] as an emergency rule is necessary for the
22 preservation of the public peace, health, safety, or welfare and is not required to
23 provide a finding of emergency for a rule promulgated under this paragraph.[✓]

24 **SECTION 19. Effective dates.** This act takes effect on the first day of the 7th
25 month beginning after publication, except as follows:

BILL

1 (1) The treatment of section 50.02 (6) of the statutes and SECTION 18[✓] of this act
2 take effect on the day after publication.✓

3 (END)

Basford, Sarah

From: Moran, Christian
Sent: Friday, April 24, 2009 2:01 PM
To: LRB.Legal
Subject: Jacket LRB-0656/3

Please jacket LRB-0656/3 for introduction in the Assembly.

LRB-0656/3 relates to: the care and treatment of persons with Alzheimer's disease or related dementia in residential care facilities, reports on residential care facilities, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, and providing a penalty.

Christian Moran
Office of Representative Peggy Krusick
State Capitol, 128 North
Madison, WI 53708
608-266-1733