



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 259**

January 28, 2010 – Offered by COMMITTEE ON AGING AND LONG-TERM CARE.

1 **AN ACT** *to renumber and amend* 50.033 (6); *to amend* 50.035 (11) (a); and *to*
2 *create* 50.033 (2r), 50.033 (6) (b), 50.035 (10g), 50.04 (2x) and 50.063 of the
3 statutes; **relating to:** requirements for residential facilities that provide or
4 promote themselves as providing specialized care for persons who have
5 Alzheimer’s disease or related dementia and providing penalties.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health Services (DHS) licenses various types of residential care facilities, including nursing homes, community-based residential facilities (CBRFs), and adult family homes at which nursing home care may be provided (AFHs). This substitute amendment requires a nursing home, CBRF, or AFH that provides, or promotes itself as providing, specialized programming or a specialized unit for persons who have Alzheimer’s disease or related dementia to produce a document describing the specialized programming or unit. The substitute amendment requires that the nursing home, CBRF, or AFH provide a copy of the document to every person seeking placement at the nursing home, CBRF, or AFH, as well as to DHS and the long-term care ombudsman. The substitute amendment further requires that a nursing home, CBRF, or AFH identify

any fees specific to the specialized programming or unit and provide residents at least 30 days' notice before increasing these fees.

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

1 **SECTION 1.** 50.033 (2r) of the statutes is created to read:

2 50.033 **(2r)** SPECIALIZED SERVICES FOR ALZHEIMER'S DISEASE OR DEMENTIA. An
3 adult family home that provides specialized programming or a specialized unit for
4 persons who have Alzheimer's disease or related dementia or that advertises,
5 markets, or otherwise promotes itself as providing specialized programming or a
6 specialized unit for persons who have Alzheimer's disease or related dementia shall
7 comply with s. 50.063.

8 **SECTION 2.** 50.033 (6) of the statutes is renumbered 50.033 (6) (a) and amended
9 to read:

10 50.033 **(6)** (a) ~~Any~~ Except as provided under par. (b), any person who violates
11 this section or rules promulgated under s. 50.02 (2) (am) 2. may be fined not more
12 than \$500 or imprisoned for not more than one year in the county jail or both.

13 **SECTION 3.** 50.033 (6) (b) of the statutes is created to read:

14 50.033 **(6)** (b) Any person who violates sub. (2r) and fails to correct the violation
15 after the department notifies the person of the violation, or any person who commits
16 a second violation of sub. (2r), is subject to a forfeiture not to exceed \$100.

17 **SECTION 4.** 50.035 (10g) of the statutes is created to read:

18 50.035 **(10g)** SPECIALIZED SERVICES FOR ALZHEIMER'S DISEASE OR DEMENTIA. A
19 community-based residential facility that provides specialized programming or a
20 specialized unit for persons who have Alzheimer's disease or related dementia or
21 that advertises, markets, or otherwise promotes itself as providing specialized

1 programming or a specialized unit for persons who have Alzheimer’s disease or
2 related dementia shall comply with s. 50.063.

3 **SECTION 5.** 50.035 (11) (a) of the statutes is amended to read:

4 50.035 **(11)** (a) Whoever violates sub. (4m) or (4n) or rules promulgated under
5 sub. (4m) or (4n) may be required to forfeit not more than \$500 for each violation.
6 A community-based residential facility that violates sub. (10g) and fails to correct
7 the violation after the department notifies the community-based residential facility
8 of the violation, or a community-based residential facility that commits a second
9 violation of sub. (10g), may be required to forfeit not more than \$100.

10 **SECTION 6.** 50.04 (2x) of the statutes is created to read:

11 50.04 **(2x)** SPECIALIZED SERVICES FOR ALZHEIMER’S DISEASE OR DEMENTIA. (a) A
12 nursing home that provides specialized programming or a specialized unit for
13 persons who have Alzheimer’s disease or related dementia or that advertises,
14 markets, or otherwise promotes itself as providing specialized programming or a
15 specialized unit for persons who have Alzheimer’s disease or related dementia shall
16 comply with s. 50.063.

17 (b) A violation of par. (a) is a class “C” violation under sub. (4) (b) 3.

18 **SECTION 7.** 50.063 of the statutes is created to read:

19 **50.063 Information regarding specialized care for persons with**
20 **Alzheimer’s disease. (1)** Notwithstanding s. 50.01 (1m), in this section “facility”
21 means an adult family home under s. 50.01 (1) (b), a community-based residential
22 facility, or a nursing home.

23 **(2)** A facility that provides specialized programming or a specialized unit for
24 persons who have Alzheimer’s disease or related dementia or that advertises,
25 markets, or otherwise promotes itself as providing specialized programming or a

1 specialized unit for persons who have Alzheimer’s disease or related dementia shall
2 produce a written document that includes a description or identification of all of the
3 following:

4 (a) The facility’s approach to the care and treatment of persons who have
5 Alzheimer’s disease or related dementia.

6 (b) The facility’s criteria for determining who may participate in its specialized
7 programming for persons who have Alzheimer’s disease or related dementia and its
8 criteria for determining who may reside in its specialized unit for persons who have
9 Alzheimer’s disease or related dementia.

10 (c) The facility’s process for assessing a person who has Alzheimer’s disease or
11 related dementia and the facility’s process for establishing a plan of care for a person
12 who has Alzheimer’s disease or related dementia, including a description of how the
13 facility accounts for future changes in the person’s condition in establishing a plan
14 of care.

15 (d) The credentials, including training specific to Alzheimer’s disease or related
16 dementia, for facility staff who work with persons who have Alzheimer’s disease or
17 related dementia and the job descriptions, duties, and availability of those staff.

18 (e) The facility’s physical environment and design and security features that
19 specifically address the needs of persons who have Alzheimer’s disease or related
20 dementia.

21 (f) The type and frequency of programs and activities that the facility provides
22 to persons who participate in the facility’s specialized programming for persons who
23 have Alzheimer’s disease or related dementia and to persons who reside in the
24 specialized unit for persons who have Alzheimer’s disease or related dementia, how

1 the programs and activities address the special needs of the persons, and how the
2 facility incorporates the persons' life stories into the programs and activities.

3 (g) Any fees specific to the specialized program or specialized unit for persons
4 who have Alzheimer's disease or a related dementia.

5 (h) A statement that the facility will not increase any fee identified under par.
6 (g) without providing residents written notice of the fee increase 30 days before the
7 fee increase is effective.

8 **(3)** A facility that is required to produce a document under sub. (2) shall provide
9 a copy of the document to all of the following:

10 (a) The secretary of health services, upon request.

11 (b) The long-term care ombudsman under s. 16.009, when the facility
12 completes or updates the document.

13 (c) Each person seeking placement at the facility, before the person enters into
14 a placement agreement with the facility.

15 **(4)** A facility that is required to produce a document under sub. (2) shall update
16 the document whenever there are substantial changes to the information included
17 in the document.

18 **(5)** A facility that is required to produce a document under sub. (2) shall provide
19 residents at least 30 days' notice before increasing any fee that the facility is required
20 to identify under sub. (2) (g).

21 **(6)** Notwithstanding ss. 50.03 (5) and (5g) and 50.033 (4), failure to comply with
22 sub. (2), (3), (4), or (5) is not grounds to suspend or revoke a license issued under s.
23 50.03 or 50.033 or to impose a sanction under s. 50.03 (5g) (b) 7.

24 **(7)** A facility's failure to comply with a provision of the document the facility
25 produces under sub. (2) is not in itself a violation of this chapter.

