

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0148/P1dn
RLR:bjk:jf

October 12, 2009

Representative Krusick:

This substitute amendment creates a disclosure requirement for nursing homes, community-based residential facilities, and licensed adult family homes in subch. I of ch. 50. The substitute amendment does not make the disclosure requirement a condition for licensing.

Current law s. 50.04 (4) and (5) provide that any violation of subch. I of ch. 50 by a nursing home may be a class "A," "B," or "C" violation. This substitute amendment specifies that violation of the new disclosure requirement by a nursing home is not a class "A," "B," or "C" violation. The penalty provisions for community-based residential facilities under s. 50.03 (5g) refer to violations of licensing provisions under s. 50.03 (4) or (4m), and therefore will not apply to the created disclosure requirement. Similarly, the penalty provision for licensed adult family homes under s. 50.033 refer only to violations of s. 50.033.

The injunction provisions under s. 50.03 (7) could apply to violations of the new disclosure requirement by a nursing home or community-based residential facility (but not an adult family home), but only if such a violation affects the health, safety, or welfare of residents.

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