2009 SENATE BILL 491

1   AN ACT *to amend* 46.2805 (6r), 46.2805 (7), 46.281 (1n) (e), 46.283 (4) (e) and

2   46.283 (4) (f); and *to create* 46.2805 (10m) of the statutes; **relating to:**

3   requiring an aging and disability resource center to perform a financial

4   screening for, provide information to, and assist individuals choosing to

5   participate in the self–directed services option (suggested as remedial

6   legislation by the Department of Health Services).

Analysis by the Legislative Reference Bureau

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

7   SECTION 1. 46.2805 (6r) of the statutes is amended to read:

8   46.2805 **(6r)** "Financial and cost–sharing screening" means a screening to

9   determine financial eligibility under s. 46.286 (1) (b) or the self–directed services

10   option and cost–sharing under s. 46.286 (2) using a uniform tool prescribed by the

11   department.

1   SECTION 2. 46.2805 (7) of the statutes is amended to read:

2   46.2805 **(7)** "Functional screening" means a screening to determine functional

3   eligibility under s. 46.286 (1) (a) <u>or the self–directed services option</u> using a uniform

4   tool prescribed by the department.

5   SECTION 3. 46.2805 (10m) of the statutes is created to read:

6   46.2805 **(10m)** "Self–directed services option" means the program that is

7   operated under a waiver from the secretary of the federal department of health and

8   human services under 42 USC 1396n (c) in which an enrolled individual selects his

9   or her own services and service providers.

10   SECTION 4. 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,

11   is amended to read:

12   46.281 **(1n)** (e) Contract with a person to provide the advocacy services

13   described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family

14   care benefit who are under age 60 or to their families or guardians. The department

15   may not contract under this paragraph with a county or with a person who has a

16   contract with the department to provide services under s. 46.283 (3) and (4) as a

17   resource center or to administer the family care benefit as a care management

18   organization. The contract under this paragraph shall include as a goal that the

19   provider of advocacy services provide one advocate for every 2,500 individuals under

20   age 60 who receive the family care benefit or who participates in the self–directed

21   services option, which is operated under a waiver from the secretary of the federal

22   department of health and human services under 42 USC 1396n (c).

23   SECTION 5. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,

24   is amended to read:

1   46.283 **(4)** (e) Provide information about the services of the resource center,

2   including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)

3   (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the

4   self–directed services option to all older persons and ~~persons~~ adults with a physical

5   or developmental disability who are residents of nursing homes, community–based

6   residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and

7   residential care apartment complexes in the area of the resource center when the

8   benefit under s. 46.286 first becomes available in the county where the nursing home,

9   community–based residential facility, adult family home, or residential care

10   apartment complex is located.

11   SECTION 6. 46.283 (4) (f) of the statutes is amended to read:

12   46.283 **(4)** (f) Perform a functional screening and a financial and cost–sharing

13   screening for any resident, as specified in par. (e), who requests a screening and

14   assist any resident who is eligible and chooses to enroll in a care management

15   organization or the self–directed services option to do so.

16   **(END)**