



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## Appendix A

### LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2009 LRB-0655/P1 (For: Leg. Council)

has been copied/added to the drafting file for

**2009 LRB-0643** (For: Leg. Council)



# **RESEARCH APPENDIX -**

## **PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 11/17/2009 (Per: TJD)

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2009 DRAFTING REQUEST

**Bill**

Received: 11/06/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: tdodge

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: YES

Requester's email: laura.rose@legis.wisconsin.gov

*Added*

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Notice regarding self-directed care

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**Instructions:**

See attached

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**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 11/20/2008 tdodge 10/20/2009	csicilia 10/26/2009		_____			S&L
/P1			rschluet 10/26/2009	_____	mbarman 10/26/2009 mbarman 10/26/2009		

*e-mail*

**LRB-0655**

10/26/2009 04:38:02 PM

Page 2

FE Sent For:

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**2009 DRAFTING REQUEST**

**Bill**

Received: 11/06/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: tdodge

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: NO

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See attached

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<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 11/20/2008 tdodge 10/20/2009	csicilia 10/26/2009		_____			S&L
/P1			rschluet 10/26/2009	_____	mbarman 10/26/2009		

FE Sent For:

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**2009 DRAFTING REQUEST**

**Bill**

Received: 11/06/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Laura Rose

This file may be shown to any legislator: NO

Drafter: tdodge

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies:

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Notice regarding self-directed care

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See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	rryan 11/20/2008 tdodge	Pl gjs	10/26/09 <i>(Signature)</i>	<i>(Signature)</i>			

FE Sent For:

<END>

*-0655  
in hold*

## Informing Nursing Home and Assisted Living Residents of the Availability of the Resource Center and Family Care Benefit

### Specific Statutory Change Requested

Amend s. 46.283(4)(e) to:

- Require that information be provided to persons with developmental disabilities as well as to older persons and persons with physical disabilities.
- Require that information be provided on the IRIS self-directed supports program as well as on the family care benefit; and
- Require that information be provided only to those persons who reside in a facility at the time when the resource center begins providing pre-admission consultation to persons seeking admission to a facility and who are not participants in a case managed Medicaid waiver program. Exempt people who are in publicly-funded long term care program.

When amended, s. 46.283(4)(e) would read as follows:

**4) Duties.** A resource center shall do all of the following:

46.283(4)(e) Provide information about the services of the resource center, including the services specified in sub. (3) (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and about the family care benefit and self-directed supports to all older persons and persons adults with a physical or developmental disability who are residents of nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes in the area of the resource center at the time when the resource center begins providing information as required under s. 46.283(4)(g). Residents who are participants in a publicly-funded long term care program under ch. 46 shall be exempt from this requirement.

### Problem with the Current Statute

- Adults with developmental disabilities are eligible for resource center assistance and can benefit from the expanded options available under Family Care and IRIS.
- Information about IRIS, as well as family care, is needed if the person is to have information about all of the options available. IRIS was not available at the time the statute was written.
- As currently written, the requirement is open ended and resource centers would be required to contact people who had already received a pre-admission consultation from the resource center.

### Need for the Change

The change would provide clarity about current interpretation and practice.

### Estimate of Fiscal Effect

None.

DHS Contact:       Katie Plona  
                          266-3262

**2009 DRAFTING REQUEST**

**Bill**

Received: 11/06/2008

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Legislative Council - LRC

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Health - medical assistance

Extra Copies: TJD

Submit via email: NO

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Notice regarding self-directed care

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**Instructions:**

See attached

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**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>
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/?	rryan			_____			
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FE Sent For:

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11/20/08  
Cancel  
combining with  
LRB-0643  
Already Filed  
11-20-08



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-06552

TJD:.....

In 10/20/09 (soon)

g:RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

STW

Gen Cost

services option

1 AN ACT ...; relating to: requiring resource centers to provide information to  
 2 adults with developmental disabilities and to provide information on the  
 3 self-directed supports waived program, limiting <sup>and</sup> <sup>the</sup> residents to whom the  
 4 resource center provides information (suggested as remedial legislation by the  
 5 Department of Health Services).

(DHS)

**Analysis by the Legislative Reference Bureau**

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Under current law, the department of health services contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is available. The resource center also screens individuals to determine whether they are eligible for the Family Care program and assists the eligible individuals in enrolling in a care management organization, which administers the benefits for the Family Care program. The resource center currently must provide information about its services to all older persons and persons with a physical disability who reside in a nursing home, community-based residential facility, adult family home, or residential care apartment complex.

Currently, DHS also administers <sup>the</sup> self-directed services option, known as IRIS. The self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

This bill requires the resource center to provide information about the self-directed services option and expands the people to whom information must be

given to include adults with developmental disabilities. The bill specifies that the resource center needs to provide the information only to facility residents who are residents at the time when <sup>it</sup> is certified by DHS to begin providing information to those individuals and does not need to provide information to facility residents who participate in a publicly-funded, long-term care program.

FE-SL

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

1 SECTION 1. 46.2805 (10m) of the statutes <sup>services</sup> is created to read: <sup>option</sup>

2 46.2805 (10m) "Self-directed supports waiver program" means <sup>the</sup> program that  
3 is operated under a waiver from the secretary of the federal department of health and  
4 human services under 42 USC 1396n (c) <sup>and</sup> in which an enrolled individual selects  
5 his or her own services and service providers.

Ins 2-6  
x

6 SECTION 2. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,  
7 is amended to read:

8 46.283 (4) (e) Provide information about the services of the resource center,  
9 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)  
10 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the  
11 self-directed services option to all older persons and persons adults with a physical  
12 or developmental disability who are residents of nursing homes, community-based  
13 residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and  
14 residential care apartment complexes in the area of the resource center when the  
15 resource center is first certified by the department to provide information to those  
16 individuals as required under s. 46.283(4) (e). Resource centers are not required to  
17 provide information to residents who are participants in the Family Care program

~~secretary~~ ~~resource center is first certified by the department to provide information to those individuals as required under s. 46.283(4) (e).~~ ~~that the resource center is available to the person and the facility.~~

unders. 46.286

1 or a program operated under a waiver from the secretary of the <sup>e Federal</sup> U.S. department of  
 2 health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c). ✓

History: 1999 a. 9; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 254, 264, 386, 388; 2007 a. 20 ss. 969, 971 to 973, 976, 978 to 991; 2009 a. 2, 28.

\*\*\*\*NOTE: I was unsure about the instruction for when the resource center is required to provide the information. Please confirm that my drafting of this provision meets your intent. ←

3

(END)

Also, the change in this paragraph expands the types of people served under s. 46.283(4)(f) by virtue of a cross-reference. Since that section is affected by the other law revision draft, you should consider combining this draft with LRB-0643.

Insert 2-6

as affected by 2009 Wisconsin Act 285

Section #. 46.281 (1n) (e) of the statutes is amended to read:

46.281 (1n) (e) Contract with a person to provide the advocacy services described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family care benefit who are under age 60 or to their families or guardians. The department may not contract under this paragraph with a county or with a person who has a contract with the department to provide services under s. 46.283 (3) and (4) as a resource center or to administer the family care benefit as a care management organization. The contract under this paragraph shall include as a goal that the provider of advocacy services provide one advocate for every 2,500 individuals under age 60 who receive the family care benefit or who participates in the self-directed services option, <sup>struck comma</sup> which is operated under a waiver from the secretary of the federal department of health and human services under ~~42 USC 1396n (e)~~ plain period

History: 1999 a. 9; 2001 a. 103; 2005 a. 25, 386; 2007 a. 20; 2009 a. 28.

xxxx Note: Please note that I eliminated the description of the self-directed services option here since the definition created in this bill applied to this paragraph.

(END)  
of  
INSERT



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0655/P1  
TJD:cjs:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1     **AN ACT to amend** 46.281 (1n) (e) and 46.283 (4) (e); and **to create** 46.2805 (10m)  
2           of the statutes; **relating to:** requiring a resource center to provide information  
3           to adults with developmental disabilities and to provide information on the  
4           self-directed services option program and limiting the residents to whom the  
5           resource center provides information (suggested as remedial legislation by the  
6           Department of Health Services).

---

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health Services (DHS) contracts with an aging and disability resource center (resource center) to provide information and referral services in areas where the Family Care program is available. The resource center also screens individuals to determine whether they are eligible for the Family Care program and assists the eligible individuals in enrolling in a care management organization, which administers the benefits for the Family Care program. The resource center currently must provide information about its services to all older persons and persons with a physical disability who reside in a nursing home, community-based residential facility, adult family home, or residential care apartment complex.

Currently, DHS also administers the self-directed services option, known as IRIS. The self-directed services option operates under a waiver of federal Medicaid laws and allows elderly and physically and developmentally disabled individuals to direct how their benefit is spent and select their own providers.

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This bill requires the resource center to provide information about the self-directed services option and expands the people to whom information must be given to include adults with developmental disabilities. The bill specifies that the resource center needs to provide the information only to facility residents who are residents at the time when it is certified by DHS to begin providing information to those individuals and does not need to provide information to facility residents who participate in a publicly-funded, long-term care program.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 46.2805 (10m) of the statutes is created to read:

2           **46.2805 (10m)** "Self-directed services option" means the program that is  
3 operated under a waiver from the secretary of the federal department of health and  
4 human services under 42 USC 1396n (c) in which an enrolled individual selects his  
5 or her own services and service providers.

6           **SECTION 2.** 46.281 (1n) (e) of the statutes, as affected by 2009 Wisconsin Act 28,  
7 is amended to read:

8           **46.281 (1n) (e)** Contract with a person to provide the advocacy services  
9 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family  
10 care benefit who are under age 60 or to their families or guardians. The department  
11 may not contract under this paragraph with a county or with a person who has a  
12 contract with the department to provide services under s. 46.283 (3) and (4) as a  
13 resource center or to administer the family care benefit as a care management  
14 organization. The contract under this paragraph shall include as a goal that the  
15 provider of advocacy services provide one advocate for every 2,500 individuals under  
16 age 60 who receive the family care benefit or who participates in the self-directed

1        ~~services option, which is operated under a waiver from the secretary of the federal~~  
2        ~~department of health and human services under 42 USC 1396n (e).~~

      \*\*\*\*NOTE: Please note that I eliminated the description of the self-directed services  
option here since the definition created in this bill applied to this paragraph.

3        SECTION 3. 46.283 (4) (e) of the statutes, as affected by 2009 Wisconsin Act 28,  
4        is amended to read:

5            46.283 (4) (e) Provide information about the services of the resource center,  
6        including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)  
7        (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the  
8        self-directed services option to all older persons and persons adults with a physical  
9        or developmental disability who are residents of nursing homes, community-based  
10       residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and  
11       residential care apartment complexes in the area of the resource center when the  
12       secretary first certifies that the resource center is available to the person and the  
13       facility. Resource centers are not required to provide information to residents who  
14       are participants in the Family Care program under s. 46.286 or a program operated  
15       under a waiver from the secretary of the federal department of health and human  
16       services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

      \*\*\*\*NOTE: I was unsure about the instruction for when the resource center is  
required to provide the information. Please confirm that my drafting of this provision  
meets your intent. Also, the change in this paragraph expands the types of people served  
under s. 46.283 (4) (f) by virtue of a cross-reference. Since that section is affected by the  
other law revision draft, you should consider combining this draft with LRB-0643.

17

(END)