2011 ASSEMBLY BILL 568

February 16, 2012 – Introduced by Representatives KRUSICK and J. OTT, cosponsored by Senator DARLING, by request of Alzheimer’s and Dementia Alliance of Wisconsin; Coalition of Wisconsin Aging Groups; and American Association of Retired Persons. Referred to Committee on Aging and Long-Term Care.

AN ACT to renumber and amend 50.033 (6); to amend 50.035 (11) (a); and to create 50.033 (2r), 50.033 (6) (b), 50.035 (10g), 50.04 (2x) and 50.063 of the statutes; relating to: requirements for residential facilities that provide or promote themselves as providing specialized care for persons who have 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 bill 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 bill 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 bill 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:

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

50.033 (2r) Specialized services for Alzheimer's disease or dementia. An adult family home that provides specialized programming or a specialized unit for persons who have Alzheimer’s disease or related dementia or that advertises, markets, or otherwise promotes itself as providing specialized programming or a specialized unit for persons who have Alzheimer’s disease or related dementia shall comply with s. 50.063.

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

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

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

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

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

50.035 (10g) Specialized services for Alzheimer's disease or dementia. A community-based residential facility that provides specialized programming or a specialized unit for persons who have Alzheimer’s disease or related dementia or that advertises, markets, or otherwise promotes itself as providing specialized
programming or a specialized unit for persons who have Alzheimer’s disease or related dementia shall comply with s. 50.063.

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

50.035 (11) (a) Whoever violates sub. (4m) or (4n) or rules promulgated under sub. (4m) or (4n) may be required to forfeit not more than $500 for each violation.

A community-based residential facility that violates sub. (10g) and fails to correct the violation after the department notifies the community-based residential facility of the violation, or a community-based residential facility that commits a 2nd violation of sub. (10g), may be required to forfeit not more than $100.

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

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

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

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

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

(2) A facility that provides specialized programming or a specialized unit for persons who have Alzheimer’s disease or related dementia or that advertises, markets, or otherwise promotes itself as providing specialized programming or a
specialized unit for persons who have Alzheimer’s disease or related dementia shall produce a written document that includes a description or identification of all of the following:

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

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

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

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

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

(f) The type and frequency of programs and activities that the facility provides to persons who participate in the facility’s specialized programming for persons who have Alzheimer’s disease or related dementia and to persons who reside in the specialized unit for persons who have Alzheimer’s disease or related dementia, how
the programs and activities address the special needs of the persons, and how the
facility incorporates the persons’ life stories into the programs and activities.

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

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

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

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

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

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

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

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

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

(7) A facility’s failure to comply with a provision of the document the facility
produces under sub. (2) is not in itself a violation of this chapter.
1 Section 8. Effective date.

2 (1) This act takes effect on the first day of the 7th month beginning after

3 publication.

4 (END)