



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0321/1
MED:jld:ph

DOA:.....Dombrowski, BB0050 - CBRF definition and flexibility for inspections

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS licenses community-based residential facilities (CBRFs), which are defined, with certain exceptions, as places where five or more adults who are not related to the facility's operator or administrator and do not require care above intermediate level nursing care reside and receive care, treatment, or services that include no more than three hours of nursing care per week per resident. This bill specifies that the definition of a CBRF does not include a private residence that is the home to adults who independently arrange for and receive care, treatment, or services for themselves from a person or agency that has no authority to exercise direction or control over the residence.

Under current law, DHS must conduct an inspection of a CBRF before issuing a permanent license to operate a CBRF to an applicant. In addition, under current law, for certain applicants seeking a license to operate a CBRF, DHS must first issue a probationary license and conduct a second inspection of the CBRF before issuing a permanent license. This bill provides that DHS may, but is not required to, conduct a second inspection for these applicants. Under the bill, DHS may issue a permanent license if, after evaluating the facility, DHS finds that the CBRF meets the applicable requirements for licensure.

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

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

SECTION 1. 50.01 (1g) (h) of the statutes is created to read:

50.01 (1g) (h) A private residence that is the home to adults who independently arrange for and receive care, treatment, or services for themselves from a person or agency that has no authority to exercise direction or control over the residence.

SECTION 2. 50.03 (4m) (b) of the statutes is amended to read:

50.03 (4m) (b) If the applicant for licensure as a community-based residential facility has not been previously licensed under this subchapter or if the community-based residential facility is not in operation at the time application is made, the department shall issue a probationary license, except that the department may deny licensure to any person who conducted, maintained, operated or permitted to be maintained or operated a community-based residential facility for which licensure was revoked within 5 years before application is made. A probationary license shall be valid for up to 12 months from the date of issuance unless sooner suspended or revoked under sub. (5g). Prior to the expiration of a probationary license, the department shall ~~inspect~~ evaluate the community-based residential facility ~~and, if, In evaluating the community-based residential facility, the department may conduct an inspection of the community-based residential facility.~~ If, after the department evaluates the community-based residential facility, the department finds that the community-based residential facility meets the applicable requirements for licensure, the department shall issue a regular license under sub. (4) (a) 1. b. If the department finds that the community-based residential

facility does not meet the requirements for licensure, the department may not issue a regular license under sub. (4) (a) 1. b.

(END)