

**2019 DRAFTING REQUEST****Bill**

For: **Administration-Budget** Drafter: **swalkenh**  
 By: **Bollhorst** Secondary Drafters:  
 Date: **10/24/2018** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **DOASBOStatLanguage@wisconsin.gov**  
**sarah.walkenhorstbarber@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Bollhorst, BB0030 -

**Topic:**

Assisted living staffing, fees, and online submission

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 11/19/2018	kfollett 11/20/2018			
/P1	swalkenh 12/28/2018		lparisi 11/20/2018		
/P2	swalkenh 2/15/2019	kfollett 1/2/2019	mbarman 1/2/2019		
/P3		kfollett 2/16/2019	chanaman 2/17/2019		

FE Sent For:

<END>

## Walkenhorst Barber, Sarah

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, October 24, 2018 10:53 AM  
**To:** Dodge, Tamara; Walkenhorst Barber, Sarah  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

**From:** Bollhorst, Nathan - DOA  
**Sent:** Wednesday, October 24, 2018 10:48 AM  
**To:** Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>  
**Cc:** Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>  
**Subject:** Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Assisted Living Staffing, Fees and Online Submission

Tracking Code: BB0030

SBO Team: HSI

SBO Analyst: Bollhorst, Nathan  
Phone: 266-8593  
E-mail: [Nathan.Bollhorst@wisconsin.gov](mailto:Nathan.Bollhorst@wisconsin.gov)

Agency Acronym: 435

Agency Number: 435

Priority: Low

Intent:

Require assisted living facilities to submit the current law required biennial or annual reports to the department to be submitted online via a mechanism established by the department, rather than in paper format. Relevant statutes include s. 50.033(2m) and s. 50.034.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spsmail.enterprise.wistate.us](mailto:SBOSatlanguage@spsmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-05560  
SWB:...

gf  
/PL

DOA:.....Bollhorst, BB0030 - Assisted living staffing, fees and online submission

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

IN 11/19  
Requested by 11/20  
pls

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

This bill requires certain assisted living facilities, specifically adult family homes and community-based residential facilities, to submit annual or biennial reports required by DHS through an online system rather than in paper format. The bill maintains current law requirements that these entities submit either an annual or biennial report to DHS, but establishes a specific requirement that the report be submitted through an online system prescribed by DHS.

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

2 SECTION 1. 50.03 (4) (c) 1. of the statutes is amended to read:

3 50.03 (4) (c) 1. A community-based residential facility license is valid until it  
4 is revoked or suspended under this section. Every 24 months, on a schedule

1 determined by the department, a community-based residential facility licensee  
2 shall submit through an online system prescribed by the department a biennial  
3 report in the form and containing the information that the department requires,  
4 including payment of the fees required under s. 50.037 (2) (a). If a complete biennial  
5 report is not timely filed, the department shall issue a warning to the licensee. The  
6 department may revoke a community-based residential facility license for failure to  
7 timely and completely report within 60 days after the report date established under  
8 the schedule determined by the department.

**History:** 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33; 2005 a. 264, 387; 2007 a. 20 s. 9121 (6) (a); 2007 a. 92; 2009 a. 28; 2011 a. 70; 2013 a. 20; 2017 a. 207 s. 5.

9 **SECTION 2.** 50.032 (2r) of the statutes is amended to read:

10 50.032 (2r) REPORTING. Every 12 months, on a schedule determined by the  
11 department, a certified adult family home shall submit through an online system  
12 prescribed by the department an annual report in the form and containing the  
13 information that the department requires, including payment of a fee, if any is  
14 required under rules promulgated under s. 50.02 (2) (am) 1. If a complete annual  
15 report is not timely filed, the department shall issue a warning to the operator of the  
16 certified adult family home. The department may decertify a certified adult family  
17 home for failure to timely and completely report within 60 days after the report date  
18 established under the schedule determined by the department.

**History:** 1987 a. 161, 403; 1993 a. 327; 1997 a. 27; 2009 a. 28.

**Cross-reference:** See also ch. DHS 82, Wis. adm. code.

19 **SECTION 3.** 50.033 (2m) of the statutes is amended to read:

20 50.033 (2m) REPORTING. Every 24 months, on a schedule determined by the  
21 department, a licensed adult family home shall submit through an online system  
22 prescribed by the department a biennial report in the form and containing the  
23 information that the department requires, including payment of the fee required

1 under sub. (2). If a complete biennial report is not timely filed, the department shall  
 2 issue a warning to the licensee. The department may revoke the license for failure  
 3 to timely and completely report within 60 days after the report date established  
 4 under the schedule determined by the department.

History: 1993 a. 327; 1995 a. 27; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28.

Cross-reference: See also ch. DHS 88, Wis. adm. code.

\*\*\*\*NOTE: This draft addresses reporting requirements for adult family homes and  
 community-based residential facilities (CBRFs). Please let me know if you did not intend  
 to include CBRFs. Also, I have not located a parallel reporting requirement in s. 50.034  
 for residential care apartment complexes. DHS ch. 89, specifically s. 89.53 (4) (b) and (c),  
 includes reference to a renewal application for certification. Please let me know if you  
 would like to include a statutory provision to require online submission of those renewal  
 applications.

*Wis. Adm. Code*

*DHS*

*a*

5

(END)

## Walkenhorst Barber, Sarah

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**From:** Bollhorst, Nathan - DOA  
**Sent:** Wednesday, November 28, 2018 1:12 PM  
**To:** Walkenhorst Barber, Sarah  
**Subject:** RE: LRB Draft Number:19-0556\_P1

Sarah,

Additionally, please amend all reporting requirements in this draft, that require reporting every 24 months, to require reporting every 12 months.

Thank you,

Nathan

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**From:** Bollhorst, Nathan - DOA  
**Sent:** Wednesday, November 28, 2018 11:35 AM  
**To:** Walkenhorst-Barber, Sarah - LEGIS <sarah.walkenhorstbarber@legis.wisconsin.gov>  
**Subject:** LRB Draft Number:19-0556\_P1

Sarah,

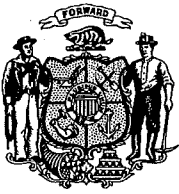
In your note you mentioned you could not find a reporting requirement in s. 50.034 for Residential Care Apartment Complexes. Please create a reporting requirement for Residential Care Apartment Complexes in s. 50.034 using similar language to the amendment of 50.033(2m) you drafted.

Additionally, please create a reporting requirement for Adult Day Cares in s. 49.45(47) using similar language to the amendment of 50.033(2m) you drafted.

Thank you,



**Nathan Bollhorst** | Executive Policy & Budget Analyst  
Department of Administration  
Division of Executive Budget and Finance  
[Nathan.Bollhorst@wisconsin.gov](mailto:Nathan.Bollhorst@wisconsin.gov)  
Main: (608) 267-7980



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0556/P1  
SWB:kjf

1/PZ

RMR

DOA:.....Bollhorst, BB0030 - Assisted living staffing, fees, and online submission

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

IN 12/28  
Requested by 1/2 PLS  
INSERT

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

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

INS ANALYSIS

This bill requires certain assisted living facilities, specifically adult family homes and community-based residential facilities, to submit annual or biennial reports required by DHS through an online system rather than in paper format.

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

INS 1-2

2 SECTION 1. 50.03 (4) (c) 1. of the statutes is amended to read:

3 50.03 (4) (c) 1. A community-based residential facility license is valid until it

4 is revoked or suspended under this section. Every ~~24~~ <sup>12</sup> months, on a schedule

5 determined by the department, a community-based residential facility licensee

6 shall submit through an online system prescribed by the department a biennial-



1 report in the form and containing the information that the department requires,  
 2 including payment of ~~the fees required~~ <sup>any fee due</sup> under s. 50.037 (2) (a). If a complete biennial  
 3 report is not timely filed, the department shall issue a warning to the licensee. The  
 4 department may revoke a community-based residential facility license for failure to  
 5 timely and completely report within 60 days after the report date established under  
 6 the schedule determined by the department.

7 SECTION 2. 50.032 (2r) of the statutes is amended to read:

8 50.032 (2r) REPORTING. Every 12 months, on a schedule determined by the  
 9 department, a certified adult family home shall submit through an online system  
 10 prescribed by the department an annual report in the form and containing the  
 11 information that the department requires, including payment of a fee, if any is  
 12 required under rules promulgated under s. 50.02 (2) (am) 1. If a complete annual  
 13 report is not timely filed, the department shall issue a warning to the operator of the  
 14 certified adult family home. The department may decertify a certified adult family  
 15 home for failure to timely and completely report within 60 days after the report date  
 16 established under the schedule determined by the department.

17 SECTION 3. 50.033 (2m) of the statutes is amended to read:

18 50.033 (2m) REPORTING. Every ~~24~~ <sup>12</sup> months, on a schedule determined by the  
 19 department, a licensed adult family home shall submit through an online system  
 20 prescribed by the department a ~~biennial~~ report in the form and containing the  
 21 information that the department requires, including payment of ~~the fee required~~ <sup>any</sup> ~~due~~  
 22 under sub. (2). If a complete biennial report is not timely filed, the department shall  
 23 issue a warning to the licensee. The department may revoke the license for failure  
 24 to timely and completely report within 60 days after the report date established  
 25 under the schedule determined by the department.

insert

\*\*\*\*NOTE: This draft addresses reporting requirements for adult family homes and community-based residential facilities (CBRFs). Please let me know if you did not intend to include CBRFs. Also, I have not located a parallel reporting requirement in s. 50.034 for residential care apartment complexes. Chapter DHS 89, Wis. Adm. Code, specifically s. DHS 89.53 (4) (b) and (c), includes a reference to a renewal application for certification. Please let me know if you would like to include a statutory provision to require online submission of those renewal applications.

1

**(END)**

INSERT ANALYSIS

This bill requires certain assisted living facilities, specifically adult day centers, adult family homes, community-based residential facilities, and residential care apartment complexes to submit annual reports to DHS through an online system prescribed by DHS. Under current law, some certain assisted living facilities have no statutory reporting requirements and others have biennial rather than annual requirements. Current law also requires written reports rather than online submissions.

(END INSERT ANALYSIS)

INSERT 1-2

1           **SECTION 1.** 49.45 (47) (dm) of the statutes is created to read:

2           49.45 (47) (dm) Every 12 months, on a schedule determined by the department,  
3           an adult day care center shall submit through an online system prescribed by the  
4           department a report in the form and containing the information that the department  
5           requires, including payment of any fee due under par. (c). If a complete report is not  
6           timely filed, the department shall issue a warning to the operator of the adult day  
7           care center. The department may revoke an adult day care center's certification for  
8           failure to timely and completely report within 60 days after the report date  
9           established under the schedule determined by the department.

10           **SECTION 2.** 50.03 (3) (b) (intro.) of the statutes is amended to read:

11           50.03 (3) (b) (intro.) The application for a license and, except as otherwise  
12           provided in this subchapter, the report of a licensee shall be in writing upon forms  
13           provided by the department and shall contain such information as the department  
14           requires, including the name, address and type and extent of interest of each of the  
15           following persons:

History: 1975 c. 413; 1977 c. 29, 170, 205, 272, 418, 447; 1979 c. 221; 1981 c. 20, 72, 121; 1981 c. 314 s. 146; 1985 a. 29 ss. 1058, 3202 (56) (a); 1985 a. 176; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1), (3); 1987 a. 27, 127, 399; 1989 a. 31, 359; 1991 a. 39, 221; 1993 a. 27, 112, 375, 491; 1995 a. 27 ss. 3227 to 3232, 9126 (19); 1997 a. 27, 114; 2001 a. 16; 2003 a. 33; 2005 a. 264, 387; 2007 a. 20 s. 9121 (6) (a); 2007 a. 92; 2009 a. 28; 2011 a. 70; 2013 a. 20; 2017 a. 207 s. 5.

\*\*\*\*NOTE: I included an exception in this provision as it appears the language might otherwise be broad enough to cover one or more of the annual reporting requirements and create a conflict with the new language about reporting through the online system.

**(END INSERT 1-2)**

**INSERT 2-25**

1           **SECTION 3.** 50.034 (2m) of the statutes is created to read:  
2           50.034 (2m) REPORTING. Every 12 months, on a schedule determined by the  
3 department, a residential care apartment complex shall submit through an online  
4 system prescribed by the department a report in the form and containing the  
5 information that the department requires, including payment of any fee required  
6 under sub. (1). If a complete report is not timely filed, the department shall issue a  
7 warning to the operator of the residential care apartment complex. The department  
8 may revoke a residential care apartment complex's certification or registration for  
9 failure to timely and completely report within 60 days after the report date  
10 established under the schedule determined by the department.

**(END INSERT 2-25)**

## Walkenhorst Barber, Sarah

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**From:** Bollhorst, Nathan - DOA  
**Sent:** Wednesday, February 13, 2019 9:35 AM  
**To:** Walkenhorst Barber, Sarah  
**Cc:** Dombrowski, Cynthia A - DOA  
**Subject:** 556/P2

Sarah,

Please amend draft 556/P2 in the following ways.

- ✓ **SECTION 1.** 49.45 (47) (dm)- Change every 12 months to every 24 months.
- ✓ **SECTION 3.** 50.03 (4) (c) 1.- Change every 12 months to every 24 months. Include the word “biennial” that was previously removed.
- ✓ **SECTION 4.** 50.032 (2r)- Remove the phrase “through an online system prescribed by the department”.
- ✓ **SECTION 5.** 50.033 (2m)- Change every 12 months to every 24 months. Include the word “biennial” that was previously removed.
- ✓ **SECTION 6.** 50.034 (2m)- Change every 12 months to every 24 months.

Thank you,

*That was  
only change  
to provision,  
so 5.50.032 (2r)  
out of draft*



**Nathan Bollhorst** | Executive Policy & Budget Analyst  
Department of Administration  
Division of Executive Budget and Finance  
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Main: (608) 267-7980



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0556/P2

SWB:kjf

1P3  
RMR

DOA:.....Bollhorst, BB0030 - Assisted living staffing, fees, and online submission

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1N2/15

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

annual

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

biennial

INSERT  
Sub-Sub  
Italics  
↓  
1. Assisted living  
Reporting  
and fees

This bill requires certain assisted living facilities, specifically adult day centers, adult family homes, community-based residential facilities, and residential care apartment complexes to submit annual reports to DHS through an online system prescribed by DHS. Under current law, some certain assisted living facilities have no statutory reporting requirements and others have biennial rather than annual requirements. Current law also requires written reports rather than online submissions.

biennial

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

2 SECTION 1. 49.45 (47) (dm) of the statutes is created to read:

3 49.45 (47) (dm) Every <sup>24</sup>12 months, on a schedule determined by the department,

4 an adult day care center shall submit through an online system prescribed by the

1 department a report in the form and containing the information that the department  
 2 requires, including payment of any fee due under par. (c). If a complete report is not  
 3 timely filed, the department shall issue a warning to the operator of the adult day  
 4 care center. The department may revoke an adult day care center's certification for  
 5 failure to timely and completely report within 60 days after the report date  
 6 established under the schedule determined by the department.

7 SECTION 2. 50.03 (3) (b) (intro.) of the statutes is amended to read:

8 50.03 (3) (b) (intro.) The application for a license and, except as otherwise  
 9 provided in this subchapter, the report of a licensee shall be in writing upon forms  
 10 provided by the department and shall contain such information as the department  
 11 requires, including the name, address and type and extent of interest of each of the  
 12 following persons:

X  
 \*\*\*\*NOTE: I included an exception in this provision as it appears the language might otherwise be broad enough to cover one or more of the annual reporting requirements and create a conflict with the new language about reporting through the online system.

13 SECTION 3. 50.03 (4) (c) 1. of the statutes is amended to read:

14 50.03 (4) (c) 1. A community-based residential facility license is valid until it  
 15 is revoked or suspended under this section. Every <sup>plain</sup> 24 <sup>12</sup> months, on a schedule  
 16 determined by the department, a community-based residential facility licensee  
 17 shall submit through an online system prescribed by the department a biennial  
 18 report in the form and containing the information that the department requires,  
 19 including payment of the fees required any fee due under s. 50.037 (2) (a). If a  
 20 complete <sup>plain</sup> biennial report is not timely filed, the department shall issue a warning to  
 21 the licensee. The department may revoke a community-based residential facility  
 22 license for failure to timely and completely report within 60 days after the report date  
 23 established under the schedule determined by the department.

1 SECTION 4. 50.032 (2r) of the statutes is amended to read:

2 50.032 (2r) REPORTING. Every 12 months, on a schedule determined by the  
3 department, a certified adult family home shall submit through an online system  
4 prescribed by the department an annual report in the form and containing the  
5 information that the department requires, including payment of a fee, if any is  
6 required under rules promulgated under s. 50.02 (2) (am) 1. If a complete annual  
7 report is not timely filed, the department shall issue a warning to the operator of the  
8 certified adult family home. The department may decertify a certified adult family  
9 home for failure to timely and completely report within 60 days after the report date  
10 established under the schedule determined by the department.

11 SECTION 5. 50.033 (2m) of the statutes is amended to read:

12 50.033 (2m) REPORTING. Every <sup>plain</sup> 24 ~~12~~ months, on a schedule determined by the  
13 department, a licensed adult family home shall submit through an online system  
14 prescribed by the department a biennial report in the form and containing the  
15 information that the department requires, including payment of the any fee required  
16 due under sub. (2). If a complete biennial <sup>plain</sup> report is not timely filed, the department  
17 shall issue a warning to the licensee. The department may revoke the license for  
18 failure to timely and completely report within 60 days after the report date  
19 established under the schedule determined by the department.

20 SECTION 6. 50.034 (2m) of the statutes is created to read:

21 50.034 (2m) REPORTING. Every <sup>24</sup> 12 months, on a schedule determined by the  
22 department, a residential care apartment complex shall submit through an online  
23 system prescribed by the department a report in the form and containing the  
24 information that the department requires, including payment of any fee required  
25 under sub. (1). If a complete report is not timely filed, the department shall issue a



1 warning to the operator of the residential care apartment complex. The department  
2 may revoke a residential care apartment complex's certification or registration for  
3 failure to timely and completely report within 60 days after the report date  
4 established under the schedule determined by the department.

5

**(END)**



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-0556/P3  
SWB:kjf

DOA:.....Bollhorst, BB0030 - Assisted living staffing, fees, and online submission

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**HEALTH**

***1. Assisted living reporting and fees***

This bill requires certain assisted living facilities, specifically adult day centers, community-based residential facilities, and residential care apartment complexes, to submit biennial reports to DHS through an online system prescribed by DHS. Under current law, some assisted living facilities have no statutory reporting requirements and others have annual rather than biennial requirements. Current law also requires written reports rather than online submissions.

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

2 **SECTION 1.** 49.45 (47) (dm) of the statutes is created to read:

3 49.45 (47) (dm) Every 24 months, on a schedule determined by the department,

4 an adult day care center shall submit through an online system prescribed by the

1 department a report in the form and containing the information that the department  
2 requires, including payment of any fee due under par. (c). If a complete report is not  
3 timely filed, the department shall issue a warning to the operator of the adult day  
4 care center. The department may revoke an adult day care center's certification for  
5 failure to timely and completely report within 60 days after the report date  
6 established under the schedule determined by the department.

7 **SECTION 2.** 50.03 (3) (b) (intro.) of the statutes is amended to read:

8 50.03 (3) (b) (intro.) The application for a license and, except as otherwise  
9 provided in this subchapter, the report of a licensee shall be in writing upon forms  
10 provided by the department and shall contain such information as the department  
11 requires, including the name, address and type and extent of interest of each of the  
12 following persons:

13 **SECTION 3.** 50.03 (4) (c) 1. of the statutes is amended to read:

14 50.03 (4) (c) 1. A community-based residential facility license is valid until it  
15 is revoked or suspended under this section. Every 24 months, on a schedule  
16 determined by the department, a community-based residential facility licensee  
17 shall submit through an online system prescribed by the department a biennial  
18 report in the form and containing the information that the department requires,  
19 including payment of ~~the fees required~~ any fee due under s. 50.037 (2) (a). If a  
20 complete biennial report is not timely filed, the department shall issue a warning to  
21 the licensee. The department may revoke a community-based residential facility  
22 license for failure to timely and completely report within 60 days after the report date  
23 established under the schedule determined by the department.

24 **SECTION 4.** 50.033 (2m) of the statutes is amended to read:

