



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 538

Senate Amendment 1

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2009 Senate Bill 538 requires a nursing home that receives a written notice of a Class “A” violation or a federal Statement of Deficiency that indicates a finding of immediate jeopardy to provide a written notice to each nursing home resident identified in the notice or statement and to the resident’s legal representative, if any, within 15 days after receiving the notice or statement. The notice must include a copy of the notice of violation or Statement of Deficiency and provide certain other information. Failure by a nursing home to provide the information required is a Class “C” violation, subject to a forfeiture of not more than \$2,500.

Senate Amendment 1 makes the following changes to the bill:

- Makes the notice requirement in the bill applicable only to Class “A” violations or Statements of Deficiency that identify a substandard quality of care or an occurrence of actual harm.
- Permits the nursing home to provide to the resident and the resident’s legal representative, a **summary** of the Statement of Deficiency that contains the exact language as used by the Department of Health Services in the deficient practice statement, in lieu of a copy of the written notice of the Class “A” violation or Statement of Deficiency.
- Changes the timing of providing the required notice. The amendment requires the notice to be provided to the resident and the resident’s legal representative within 15 days after receipt of the written notice of a Class “A” violation or Statement of Deficiency that indicates immediate jeopardy, unless the nursing home requests informal dispute resolution to contest the citations. If such a request is made, the nursing home must instead provide the required notice within 15 days after the informal dispute resolution is completed.
- Allows the Class “C” forfeiture of \$2,500 under the bill to be assessed the first time it is served on the nursing home. Under current law, a Class “C” violation is subject to a \$500

forfeiture, and is assessed either after a nursing home fails to correct a Class “C” violation by a specific date, or the violation is a repeat violation.

Legislative History

Senate Amendment 1 was offered by the Senate Committee on Public Health, Senior Issues, Long-Term Care, and Job Creation. On April 6, 2010, the committee recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0. The committee then recommended passage of Senate Bill 538, as amended, on a vote of Ayes, 3; Noes, 2.

JKR:ksm