



1997 ASSEMBLY BILL 749

January 27, 1998 - Introduced by Representatives KRUSICK, BALDWIN, BLACK, BOCK, BOYLE, CARPENTER, GUNDERSON, F. LASEE, J. LEHMAN, NOTESTEIN, PLALE, R. POTTER, RYBA, URBAN and R. YOUNG, cosponsored by Senators BURKE and BRESKE. Referred to Committee on Health.

1 **AN ACT** *to renumber* 49.498 (7) (a); *to amend* 49.498 (6) (a) and 49.498 (7) (b)
2 (intro.); and *to create* 49.498 (7) (ag), 49.498 (7) (am) 6. and 49.498 (7) (am) 7.
3 of the statutes; **relating to:** admission, denial of admission, provision of
4 services, transfer and discharge for individuals by nursing facilities.

Analysis by the Legislative Reference Bureau

Under current law, nursing homes that are certified to provide care that is reimbursed by medical assistance must meet numerous requirements and are prohibited from taking certain actions with respect to admissions.

This bill requires medical assistance-certified nursing homes to establish and maintain identical policies and practices for admission of all persons regardless of source of payment. The bill prohibits these nursing homes from considering the available source of payment when deciding to admit or expedite the admission of a person who is or will be entitled to medical assistance. Further, the bill requires that these nursing homes provide notice, in writing, to an applicant or to his or her guardian or agent within 5 days of deciding to admit, deny or delay the admission of the applicant. If the applicant is denied or his or her admission is delayed, the notice must include a statement of the reason for the denial or delay. Lastly, the bill clarifies that a nursing home must establish identical policies and practices concerning transfer, discharge and provision of services for all persons regardless of the source of their payment.

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For further information see the *state and local* 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:

1 **SECTION 1.** 49.498 (6) (a) of the statutes is amended to read:

2 49.498 **(6)** (a) A nursing facility shall establish and maintain identical policies
3 and practices regarding transfer, discharge and the provision of services required
4 under the approved state medicaid plan for all individuals regardless of source of
5 payment.

6 **SECTION 2.** 49.498 (7) (a) of the statutes is renumbered 49.498(7)(am).

7 **SECTION 3.** 49.498 (7) (ag) of the statutes is created to read:

8 49.498 **(7)** (ag) A nursing facility shall establish and maintain identical policies
9 and practices regarding admission for all individuals regardless of source of
10 payment.

11 **SECTION 4.** 49.498 (7) (am) 6. of the statutes is created to read:

12 49.498 **(7)** (am) 6. A nursing facility may not consider an applicant's available
13 source of payment when making a decision to admit or expedite the admission of an
14 individual who is or will be entitled to medical assistance for nursing facility services.

15 **SECTION 5.** 49.498 (7) (am) 7. of the statutes is created to read:

16 49.498 **(7)** (am) 7. A nursing facility that decides to admit, deny or delay the
17 admission of an applicant shall provide, in writing, notice of the decision to the
18 applicant or his or her guardian or agent within 5 days of the decision. If the nursing
19 facility has decided to deny or delay admission of the applicant, the notice shall
20 include a statement of the reason for the denial or delay.

21 **SECTION 6.** 49.498 (7) (b) (intro.) of the statutes is amended to read:

