



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 283	Senate Amendments 1 and 2
<i>Memo published:</i> January 14, 2008	<i>Contact:</i> Jessica L. Karls, Staff Attorney (266-2230)

Under current law, the Department of Health and Family Services (DHFS) licenses, certifies, or registers adult family homes, residential care apartment complexes, community-based residential facilities, nursing homes, and hospices.

Current law requires that DHFS provide each nursing home and the office of the long-term care ombudsman with a report that includes the following information:

1. The ratio of nursing staff available to residents per shift at each skill level for the previous year for the nursing home.
2. The staff replacement rates for full-time and part-time nursing staff, nurse's assistants, and administrators for the previous year for the nursing home and for all similar nursing homes in the same geographical area.
3. Violations of statutes or rules by the nursing home during the previous year for the nursing home and for all similar nursing homes in the same geographical area.

The nursing home must make the report available to any person who requests the report. DHFS must prepare a summary of the information in the report, and the summary must state that a copy of the nursing home's most recent inspection report is available from DHFS. The nursing home must provide a copy of the summary to every resident of the nursing home and his or her guardian, if any, to every prospective resident of the nursing home, if any, and to every person who accompanies a prospective resident or acts as the prospective resident's representative, if any. [s. 50.095, Stats.]

SENATE BILL 283

The bill requires that DHFS establish standards for the care and treatment of persons with Alzheimer's disease or related dementia that an adult family home, residential care apartment complex, community-based residential facility, nursing home, or hospice must satisfy to hold itself out as

providing special services for persons with Alzheimer's disease or related dementia. The bill provides that an adult family home, residential care apartment complex, community-based residential facility, nursing home, or hospice may not hold itself out as providing special services for persons with Alzheimer's disease or related dementia unless DHFS determines that the facility satisfies the standards for the care and treatment of persons with Alzheimer's disease or related dementia. Further, the bill provides that whoever violates this prohibition may be required to forfeit not more than \$500.

SENATE AMENDMENT 1

Standards for the Care and Treatment of Persons with Alzheimer's Disease or Related Dementia

Senate Amendment 1 removes hospices from the bill's requirements. In addition, the amendment requires that DHFS establish standards for the care and treatment of persons with Alzheimer's disease or related dementia that an adult family home, residential care apartment complex, community-based residential facility, or nursing home must satisfy to hold itself out as providing special services for persons with Alzheimer's disease or related dementia, *including standards for staff training and staffing levels and standards for security at the adult family home, residential care apartment complex, community-based residential facility, or nursing home.*

Facility Reports

The amendment requires that the following information also be included in the nursing home report described above: *if the nursing home holds itself out as providing special services for persons with Alzheimer's disease or related dementia, a description of how the nursing home satisfies the standards for the care and treatment of persons with Alzheimer's disease or related dementia.*

In addition, the amendment requires that DHFS provide each adult family home, residential care apartment complex, and community-based residential facility and the office of the long-term care ombudsman with a report that includes the following information:

1. Violations of statutes or rules by the adult family home, residential care apartment complex, or community-based residential facility during the previous year for the facility and all similar facilities in the same geographical area.
2. If the adult family home, residential care apartment complex, or community-based residential facility holds itself out as providing special services for persons with Alzheimer's disease or related dementia, a description of how the facility satisfies the standards for the care and treatment of persons with Alzheimer's disease or related dementia.

The adult family home, residential care apartment complex, or community-based residential facility must make the report available to any person who requests the report. DHFS must prepare a summary of the information in the report for each adult family home, residential care apartment complex, and community-based residential facility, and the summary for community-based residential facilities must state that a copy of the facility's most recent inspection report is available from DHFS. The adult family home, residential care apartment complex, or community-based residential facility must provide a copy of the summary to every resident of the facility and his or her guardian, if any, to

every prospective resident of the facility, if any, and to every person who accompanies a prospective resident or acts as the prospective resident's representative, if any.

SENATE AMENDMENT 2

Senate Amendment 2 provides that whoever violates the bill's prohibition may be required to forfeit not more than \$500 *for each day of violation*.

LEGISLATIVE HISTORY

On January 8, 2008, the Senate Committee on Public Health, Senior Issues, Long-Term Care and Privacy introduced both amendments by unanimous consent. The committee then recommended adoption of Senate Amendment 1 on a vote of Ayes, 3; Noes, 2, and adoption of Senate Amendment 2 on a vote of Ayes, 5; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

JK:jal