

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Chapter DHS 132, Nursing Homes

3. Subject

To amend s. DHS 132.16 (1), relating to the establishment of rules to guide the actions of the quality assurance and improvement committee to review proposals and award moneys for innovative projects in regards to nursing homes.

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

None

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Section 50.04 (8) (a), Stats., as created by 2011 Wisconsin Act 70, authorizes the department to: 1) distribute moneys from the appropriation account under s. 20.435 (6) (g), Stats., for innovative projects designed to protect the property and the health, safety, and welfare of residents in nursing homes and to improve the efficiency and cost effectiveness of the operation of facilities so as to improve the quality of life, care, and treatment of residents; 2) establish and maintain a quality assurance and improvement committee (committee) to review proposals and award moneys for innovative projects that are approved by the committee; and 3) promulgate rules to guide the actions of the committee.

Effective September 1, 2007, the department under the authority in s. 50.02 (2) (a), Stats. and s. 227.11 (2), Stats., (2007-2008) and interpreting, s. 49.499, Stats., created s. DHS 132.16 to direct the establishment of a quality assurance and improvement committee and to guide the actions of the committee. The department believes that s. DHS 132.16 (1) and the committee established thereunder meet the purpose of s. 50.04 (8), Stats., as created by 2011 Wisconsin Act 70. Accordingly, the department proposes only to amend s. DHS 132.16 (1) to insert a cross-reference to s. 50.04 (8) Stats., as indication of the department's explicit authority to establish and maintain a committee to review proposals and award moneys for projects, and to promulgate rules to guide the actions of the committee.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Chapter DHS 132, regulates nursing homes, however, nursing homes will not be affected by the proposed change to amend s. DHS 132.16 (1) by inserting a cross-reference to s. 50.04 (8) Stats., as an indication of the

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department's explicit authority to establish and maintain a committee to review proposals and award moneys for projects, and to promulgate rules to guide the actions of the committee.

11. Identify the local governmental units that participated in the development of this EIA.
No entity other than the department participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
The proposed change will have no fiscal effect on businesses, business sectors, associations representing business, local governmental units, public utility rate payers, individuals, or the economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The proposed rule change will help licensees and others locate the express authority under which the department maintains a quality review and improvement committee to review proposals and award moneys for projects, and rules to guide the actions of the committee.

14. Long Range Implications of Implementing the Rule
Not applicable.

15. Compare With Approaches Being Used by Federal Government
A federal agency's authority to promulgate and implement administrative rules is derived from congress, and such authority may be conferred or explicit. It's possible that each federal agency may vary on whether their promulgated rules reference the statutory authority to promulgate and implement the rules.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
A state agency's authority to promulgate and implement administrative rules in Minnesota, Illinois, Iowa, Michigan, and Wisconsin is derived from the states' respective legislatures and such authority may be conferred or explicit. It's possible that each state and each state agency may vary on whether their promulgated rules reference the authority to promulgate and implement the rules.

17. Contact Name

18. Contact Phone Number

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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