



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa2206/1  
DAK:kmg:jf

**ASSEMBLY AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 842**

March 10, 2004 - Offered by Representative KRUSICK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 20: delete the material beginning with that line and ending with  
3 page 5, line 7, and substitute:

4 **"SECTION 5g.** 50.03 (5) (a) of the statutes is repealed and recreated to read:

5 50.03 (5) (a) *Power of department.* 1. The department, after notice to a nursing  
6 home applicant or licensee, may suspend or revoke a license in any case in which the  
7 department finds that the nursing home or licensee has substantially failed to  
8 comply with the applicable requirements of this subchapter and the rules  
9 promulgated under this subchapter, with s. 49.498, or with federal requirements  
10 related to the operation of a nursing home, or that any of the following applies to the  
11 licensee or to any administrator, employee, or other person affiliated with the  
12 nursing home or licensee:

1           a. A pending criminal charge that substantially relates to the care of adults or  
2 minors, the funds or property of adults or minors, or activities of the nursing home  
3 or licensee.

4           b. Conviction of a felony, misdemeanor, or other offense that substantially  
5 relates to the care of adults or minors, the funds or property of adults or minors, or  
6 activities of the nursing home or licensee.

7           c. A record of substantially and repeatedly violating applicable federal laws or  
8 regulations or applicable statutes or rules of this or any other state in the operation  
9 of an entity, as defined in s. 48.685 (1) (b) or 50.065 (1) (c), as applicable, or in any  
10 other health-related activity.

11           2. No state or federal funds passing through the state treasury may be paid to  
12 a nursing home that does not have a valid license issued under this section.

13           **SECTION 5h.** 50.03 (5) (b) of the statutes is amended to read:

14           50.03 **(5)** (b) *Form of notice.* Notice under this subsection shall include a clear  
15 and concise statement of the findings, determination, or violations on which the  
16 revocation is based, the statute or rule violated and notice of the opportunity for an  
17 evidentiary hearing under par. (c).

18           **SECTION 5m.** 50.04 (3) (am) of the statutes is created to read:

19           50.04 **(3)** (am) *Power of department.* 1. In determining under par. (a) if  
20 conditions and practices of a nursing home comply with applicable standards, the  
21 department shall consider whether any of the following applies to the licensee or to  
22 any administrator, employee, or other person affiliated with the licensee:

23           a. A pending criminal charge that substantially relates to the care of adults or  
24 minors, the funds or property of adults or minors, or activities of the nursing home.

