



State of Wisconsin
2009 - 2010 LEGISLATURE

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**SENATE AMENDMENT 1,
TO 2009 SENATE BILL 538**

April 6, 2010 – Offered by COMMITTEE ON PUBLIC HEALTH, SENIOR ISSUES, LONG-TERM CARE, AND JOB CREATION.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 11: delete “Within 15 days after receipt by a nursing home of”
and substitute “If a nursing home receives”.
- 3 **2.** Page 2, line 12: delete “after receipt of”.
- 4 **3.** Page 3, line 1: delete “jeopardy,” and substitute “jeopardy and the violation
or statement of deficiency identifies a substandard quality of care or occurrence of
actual harm,”.
- 5 **4.** Page 3, line 6: after “deficiency” insert “or a summary of the statement of
deficiency prepared by the nursing home that contains the exact language used by
the department in the deficient practice statement”.
- 6 **5.** Page 3, line 18: after that line insert:
- 7 “(d) The nursing home shall provide the notice required under par. (b) to the
8 resident and the resident’s legal representative, if any, within 15 days after receipt

1 of the written notice of the class “A” violation or the federal statement of deficiency
2 that indicates a finding of immediate jeopardy, unless the nursing home requests
3 from the department informal dispute resolution, as described in 42 CFR 488.331,
4 to contest the citations. If the nursing home requests informal dispute resolution,
5 the nursing home shall provide the notice required under par. (b) within 15 days after
6 completion of the informal dispute resolution.”.

7 **6.** Page 3, line 23: after that line insert:

8 “**SECTION 3m.** 50.04 (5) (a) 3. c. of the statutes is created to read:

9 50.04 (5) (a) 3. c. The department serves the nursing home a notice of a class
10 “C” violation of sub. (4m) (c).”.

11 (END)