



State of Wisconsin  
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 2,  
TO 2011 SENATE BILL 380**

March 6, 2012 – Offered by Representative KOOYENGA.

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

2 **1.** Page 1, line 7: after “programs” insert “and residency requirements for  
3 long-term care programs”.

4 **2.** Page 2, line 1: before that line insert:

5 “SECTION 1f. 46.2801 of the statutes is created to read:

6 **46.2801 Residency requirements for long-term care programs. (1)** In  
7 this section:

8 (a) “Family care partnership program” means an integrated health and  
9 long-term care program operated under an amendment to the state medical  
10 assistance plan, as authorized in 42 USC 1396n (i).

11 (b) “Family care program” means the benefit program under s. 46.286.

12 (c) “Long-term care program” means any of the following:

13 1. The family care program.

- 1           2. The self-directed services option.
- 2           3. The family care partnership program.
- 3           4. The program for all-inclusive care for the elderly under 42 USC 1396u-4.

4           (d) "Self-directed services option" means the program operated under a waiver  
5 from the secretary of the federal department of health and human services under 42  
6 USC 1396n (c) in which an enrolled individual selects his or her own services and  
7 service providers.

8           (2) For each program specified in sub. (1) (c) 1. to 4., the department shall  
9 request from the federal department of health and human services a waiver of  
10 federal law or an amendment to the state medical assistance plan to require an  
11 individual to be a resident of the state for 10 years to be eligible for a long-term care  
12 program. If the federal department of health and human services grants a waiver  
13 or approves an amendment for any program specified in sub. (1) (c) 1. to 4., the  
14 department shall require an individual to be a resident of the state for 10 years to  
15 be eligible for that long-term care program. The department may not use the  
16 residency requirement under this subsection as a basis to disenroll, or remove from  
17 a waiting list, an individual who is enrolled in a long-term care program, or on a  
18 waiting list for a long-term care program, on the date the waiver is granted or  
19 amendment is approved.

20           **SECTION 1k.** 46.286 (1) (intro.) of the statutes is amended to read:

21           46.286 (1) ELIGIBILITY. (intro.) ~~A- Subject to requirements under an approved~~  
22 waiver under s. 46.2801 (2), a person is eligible for, but not necessarily entitled to,  
23 the family care benefit if the person is at least 18 years of age; has a physical  
24 disability, as defined in s. 15.197 (4) (a) 2., or a developmental disability, as defined  
25 in s. 51.01 (5) (a), or is a frail elder; and meets all of the following criteria:".

