



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0241/4
FFK:cjs:rs

DOA:.....Dombrowski, BB0083 - Deregulate one- and two-bed adult family homes

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHS regulates various types of long-term care providers, including one- and two-bed adult family homes.

This bill eliminates the requirement that DHS regulate one- and two-bed adult family homes. This bill also eliminates the requirement that DHS certify one- and two-bed adult family homes in order for one- and two-bed adult family homes to provide services to a person who is a recipient of the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.009 (1) (em) 6. of the statutes is amended to read:

16.009 (1) (em) 6. An adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~.

SECTION 2. 20.435 (6) (jm) of the statutes is amended to read:

20.435 (6) (jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a), (am), (b), and (bm), and (5) (a), 49.45 (47), 50.02 (2), 50.025, ~~50.031~~, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes, and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection. All moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, ~~50.031~~ (6), 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93 (1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall be credited to this appropriation account.

SECTION 3. 46.281 (3) of the statutes is amended to read:

46.281 (3) **DUTY OF THE SECRETARY.** The secretary shall certify to each county, hospital, nursing home, community-based residential facility, adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, and residential care apartment complex the date on which a resource center that serves the area of the county, hospital, nursing home, community-based residential facility, adult family home, or residential care

apartment complex is first available to perform functional screenings and financial and cost-sharing screenings. To facilitate phase-in of services of resource centers, the secretary may certify that the resource center is available for specified groups of eligible individuals or for specified facilities in the county.

SECTION 4. 46.283 (4) (e) of the statutes is amended to read:

46.283 (4) (e) Provide information about the services of the resource center, including the services specified in sub. (3) (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c), and about the family care benefit and the self-directed services option to all older persons and adults with a physical or developmental disability who are residents of nursing homes, community-based residential facilities, adult family homes, ~~as defined in s. 50.01 (1) (a) or (b)~~, and residential care apartment complexes in the area of the resource center when the benefit under s. 46.286 first becomes available in the county where the nursing home, community-based residential facility, adult family home, or residential care apartment complex is located.

SECTION 5. 46.283 (4) (g) of the statutes is amended to read:

46.283 (4) (g) Perform a functional screening and a financial and cost-sharing screening for any person seeking admission to a nursing home, community-based residential facility, residential care apartment complex, or adult family home, ~~as defined in s. 50.01 (1) (a) or (b)~~, if the secretary has certified that the resource center is available to the person and the facility and the person is determined by the resource center to have a condition that is expected to last at least 90 days that would require care, assistance, or supervision. A resource center may not require a financial and cost-sharing screening for a person seeking admission or about to be admitted on a private pay basis who waives the requirement for a financial and

cost-sharing screening under this paragraph, unless the person is expected to become eligible for medical assistance within 6 months. A resource center need not perform a functional screening for a person seeking admission or about to be admitted for whom a functional screening was performed within the previous 6 months.

SECTION 6. 50.01 (1) (c) of the statutes is repealed.

SECTION 7. 50.031 of the statutes is repealed.

SECTION 8. 59.69 (15) (intro.) of the statutes is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any municipality, shall be subject to the following criteria:

SECTION 9. 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any town shall be subject to the following criteria:

SECTION 10. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) Community and other living arrangements. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1) ~~(a) or (b)~~, in any city shall be subject to the following criteria:

SECTION 11. 563.03 (1) of the statutes is amended to read:

563.03 (1) "Adult family home" has the meaning given in s. 50.01 (1) ~~(a) or (b)~~.

(END)