



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2613/1
SWB:amn&emw

2023 ASSEMBLY BILL 1007

January 25, 2024 - Introduced by Representatives RODRIGUEZ, DITTRICH, MURSAU, MAGNAFICI and SAPIK, cosponsored by Senators COWLES and TAYLOR. Referred to Committee on Health, Aging and Long-Term Care.

AN ACT *to create* 50.032 (5m) and 50.033 (5m) of the statutes; **relating to:**

closure or change of services and relocation of residents in adult family homes.

Analysis by the Legislative Reference Bureau

This bill establishes specific procedures and requirements for the Department of Health Services and adult family homes to follow when a licensed or certified adult family home is closing, intends to close, or is changing its type or level of services or the means of reimbursement the adult family home will accept. An "adult family home" is a residential care facility, generally housing three or four residents. Current law provides that a licensed adult family home is one in which three or four adults who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board, including up to seven hours per week of nursing care per resident. Under current law, a certified adult family home, in general, provides care and maintenance for three or four adults, each with a developmental disability, above the level of room and board but not including nursing care.

Current DHS administrative rules require 30 days' written notification of the closure of an adult family home. The bill provides that an adult family home must provide to each resident, to the resident's guardian, if any, and to a member of the resident's family who is not the resident's guardian, if any, unless the resident requests that notice to a family other than a guardian be withheld, written notification of closure or a change in the type or level of service or means of

ASSEMBLY BILL 1007**SECTION 1**

reimbursement accepted at least 30 days prior to the closure or change. The bill establishes specific requirements for the notification to be provided by an adult family home, as well as other requirements and procedures for the adult family home, including specific requirements relating to planning for the relocation of residents. The bill requires the adult family home to notify DHS of its intention to close or to change the type or level of services or means of reimbursement accepted and to provide DHS with a preliminary plan that DHS must approve. The bill provides that, within 30 days following notice under the provisions of the bill, a resident may request a hearing regarding the adult family home's compliance with the procedures and requirements required under the bill.

The bill also requires that, in the circumstance of an adult family home closing, intending to close, or changing its type or level of service or means of reimbursement accepted, DHS must provide, direct, or arrange for relocation planning, placement, and implementation assistance.

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. 50.032 (5m) of the statutes is created to read:

50.032 (5m) CLOSURE OR SERVICE CHANGES AND RELOCATION OF RESIDENTS.

(a) If an adult family home is closing, intends to close, or is changing its type or level of services or means of reimbursement accepted, the department shall provide, direct, or arrange for relocation planning, placement, and implementation assistance in accordance with this subsection in order to minimize the trauma associated with the relocation of residents and to ensure the orderly relocation of residents.

(b) The department and the relevant care management organization, if any, shall participate in the development and implementation of individual relocation plans under this subsection.

(c) In any of the circumstances described under par. (a) that may result in the

ASSEMBLY BILL 1007**SECTION 1**

relocation of one or more residents, the adult family home shall do all of the following:

1. Provide, at least 30 days prior to closure or a change in type or level of service or means of reimbursement accepted, written notice to each resident, to the resident's guardian, if any, and to a member of the resident's family who is not the resident's guardian, if any, unless the resident requests that notice to a family member other than a guardian be withheld. Notice shall include all of the following:

a. A statement setting forth the reason and justification for the closure or change in type or level of service or means of reimbursement accepted.

b. A statement that the resident or the resident's legal representative may participate in the planning conference under subd. 5.

c. A statement that the resident or the resident's legal representative may request relocation assistance pursuant to par. (g), including the name and address of the department's regional office director.

d. The name, address, and telephone number of the regional office of the board on aging and long-term care's ombudsman program. For residents with a developmental disability or mental illness, the notice shall include the name, address, and telephone number of the protection and advocacy agency designated under s. 51.62 (2) (a).

2. Attempt to resolve complaints from residents under this subsection.

3. In the circumstance of closure, prior to the closure, identify and, to the greatest extent practicable, work with a care management organization to attempt

ASSEMBLY BILL 1007**SECTION 1**

to secure an appropriate alternative placement for each resident. In the circumstance of a change in type or level of service or means of reimbursement accepted, upon request of a resident or the resident's guardian, if any, identify and, to the greatest extent practicable, attempt to secure an appropriate alternative placement for that resident.

4. Notify the resident's physician on the closure or change in type or level of services or means of reimbursement accepted and any proposed relocation's effect on the resident's health.

5. For any resident that requires relocation, hold a planning conference at which an individual relocation plan will be developed with the resident, with the resident's guardian, if any, and, if practicable, with a member of the resident's family who is not the resident's guardian, unless the resident requests that a family member other than a guardian not be present. A copy of the plan shall immediately be submitted to the department.

6. Implement the individual relocation plan developed under subd. 5.

7. Provide at least 30 days' written notice to the department of its intention to close or change the type or level of services or means of reimbursement accepted. The notice shall state the facts requiring the closure or change and the proposed date of closing or changing of the type or level of services or means of reimbursement accepted.

8. At the time the adult family home notifies the department under subd. 7., submit to the department a preliminary plan that includes all of the following:

a. The proposed timetable for planning and implementation of relocations and

ASSEMBLY BILL 1007**SECTION 1**

the resources, policies, and procedures that the adult family home will provide or arrange in order to plan and implement the relocations.

b. A list of the residents to be relocated and their current levels of care and a brief description of any special needs or conditions.

c. An indication of which residents have guardians and the names and addresses of the guardians.

d. A list of which residents have been protectively placed under ch. 55.

e. A list of residents who the adult family home believes meet the requirements of s. 54.10 (3).

(d) The department shall notify the adult family home within 10 days after receiving the preliminary plan under par. (c) 8. if it disapproves the plan. If the department disapproves the preliminary plan, it shall, within 10 days of notifying the adult family home, begin working with the adult family home to modify the disapproved plan. No resident may be relocated until the department approves the preliminary plan or until a modified plan is agreed upon. If a plan is not approved or agreed upon within 30 days of receipt of the notice of relocation, the department may impose a plan that the adult family home shall carry out.

(e) Upon approval of, agreement to, or imposition of a plan for relocation, the adult family home shall establish a date of closing or changing of the type or level of services or means of reimbursement accepted and shall notify the department of the date. The date may not be earlier than 30 days from the date of approval, agreement, or imposition.

(f) Within 30 days following notice to a resident under par. (c), the resident

ASSEMBLY BILL 1007**SECTION 1**

may send a written request for a hearing to the department to protest the adult family home's compliance with this subsection. The department shall hold the hearing within 10 days of receipt of this request. At the hearing, the burden of proving compliance under this subsection shall rest on the adult family home. If a resident prevails after hearing and requests assistance, the department shall assist the resident in securing an alternative placement.

(g) The department shall offer relocation assistance to residents impacted by a closure or change in type or level of service or means of reimbursement accepted under this subsection, including information on available alternative placements. Residents, and the resident's guardian, if any, shall be involved in planning the relocation and shall choose among the available alternative placements, except that if an emergency situation makes prior resident involvement impossible, the department may make a temporary placement until a final relocation can be arranged. Residents, and the resident's guardian, if any, may choose their final alternative placement and shall be given assistance in transferring to such place. If the department makes or participates in making the relocation decision, consideration shall be given to proximity to residents' relatives and friends.

SECTION 2. 50.033 (5m) of the statutes is created to read:

50.033 (5m) CLOSURE OR SERVICE CHANGES AND RELOCATION OF RESIDENTS.

(a) If an adult family home is closing, intends to close, or is changing its type or level of services or means of reimbursement accepted, the department shall provide, direct, or arrange for relocation planning, placement, and implementation assistance in accordance with this subsection in order to minimize the trauma

ASSEMBLY BILL 1007**SECTION 2**

associated with the relocation of residents and to ensure the orderly relocation of residents.

(b) The department and the relevant care management organization, if any, shall participate in the development and implementation of individual relocation plans under this subsection.

(c) In any of the circumstances described under par. (a) that may result in the relocation of one or more residents, the adult family home shall do all of the following:

1. Provide, at least 30 days prior to closure or a change in type or level of service or means of reimbursement accepted, written notice to each resident, to the resident's guardian, if any, and to a member of the resident's family who is not the resident's guardian, if any, unless the resident requests that notice to a family member other than a guardian be withheld. Notice shall include all of the following:

- a. A statement setting forth the reason and justification for the closure or change in type or level of service or means of reimbursement accepted.

- b. A statement that the resident or the resident's legal representative may participate in the planning conference under subd. 5.

- c. A statement that the resident or the resident's legal representative may request relocation assistance pursuant to par. (g), including the name and address of the department's regional office director.

- d. The name, address, and telephone number of the regional office of the board on aging and long-term care's ombudsman program. For residents with a

ASSEMBLY BILL 1007**SECTION 2**

developmental disability or mental illness, the notice shall include the name, address, and telephone number of the protection and advocacy agency designated under s. 51.62 (2) (a).

2. Attempt to resolve complaints from residents under this subsection.

3. In the circumstance of closure, prior to the closure, identify and, to the greatest extent practicable, work with a care management organization to attempt to secure an appropriate alternative placement for each resident. In the circumstance of a change in type or level of service or means of reimbursement accepted, upon request of a resident or the resident's guardian, if any, identify and, to the greatest extent practicable, attempt to secure an appropriate alternative placement for that resident.

4. Notify the resident's physician on the closure or change in type or level of services or means of reimbursement accepted and any proposed relocation's effect on the resident's health.

5. For any resident that requires relocation, hold a planning conference at which an individual relocation plan will be developed with the resident, with the resident's guardian, if any, and, if practicable, with a member of the resident's family who is not the resident's guardian, unless the resident requests that a family member other than a guardian not be present. A copy of the plan shall immediately be submitted to the department.

6. Implement the individual relocation plan developed under subd. 5.

7. Provide at least 30 days' written notice to the department of its intention to close or change the type or level of services or means of reimbursement accepted.

ASSEMBLY BILL 1007**SECTION 2**

The notice shall state the facts requiring the closure or change and the proposed date of closing or changing of the type or level of services or means of reimbursement accepted.

8. At the time the adult family home notifies the department under subd. 7., submit to the department a preliminary plan that includes all of the following:

a. The proposed timetable for planning and implementation of relocations and the resources, policies, and procedures that the adult family home will provide or arrange in order to plan and implement the relocations.

b. A list of the residents to be relocated and their current levels of care and a brief description of any special needs or conditions.

c. An indication of which residents have guardians and the names and addresses of the guardians.

d. A list of which residents have been protectively placed under ch. 55.

e. A list of residents who the adult family home believes meet the requirements of s. 54.10 (3).

(d) The department shall notify the adult family home within 10 days after receiving the preliminary plan under par. (c) 8. if it disapproves the plan. If the department disapproves the preliminary plan, it shall, within 10 days of notifying the adult family home, begin working with the adult family home to modify the disapproved plan. No resident may be relocated until the department approves the preliminary plan or until a modified plan is agreed upon. If a plan is not approved or agreed upon within 30 days of receipt of the notice of relocation, the department may impose a plan that the adult family home shall carry out.

ASSEMBLY BILL 1007**SECTION 2**

(e) Upon approval of, agreement to, or imposition of a plan for relocation, the adult family home shall establish a date of closing or changing of the type or level of services or means of reimbursement accepted and shall notify the department of the date. The date may not be earlier than 30 days from the date of approval, agreement, or imposition.

(f) Within 30 days following notice to a resident under par. (c), the resident may send a written request for a hearing to the department to protest the adult family home's compliance with this subsection. The department shall hold the hearing within 10 days of receipt of this request. At the hearing, the burden of proving compliance under this subsection shall rest on the adult family home. If a resident prevails after hearing and requests assistance, the department shall assist the resident in securing an alternative placement.

(g) The department shall offer relocation assistance to residents impacted by a closure or change in type or level of service or means of reimbursement accepted under this subsection, including information on available alternative placements. Residents, and the resident's guardian, if any, shall be involved in planning the relocation and shall choose among the available alternative placements, except that if an emergency situation makes prior resident involvement impossible, the department may make a temporary placement until a final relocation can be arranged. Residents, and the resident's guardian, if any, may choose their final alternative placement and shall be given assistance in transferring to such place. If

ASSEMBLY BILL 1007

SECTION 2

the department makes or participates in making the relocation decision, consideration shall be given to proximity to residents' relatives and friends.

(END)