



## 2023 SENATE BILL 248

April 20, 2023 - Introduced by Senator BALLWEG, cosponsored by Representatives ROZAR, SCHUTT, ARMSTRONG, BEHNKE, BINSFELD, DITTRICH, KRUG, MURSAU and O'CONNOR. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT** *to amend* 51.40 (2) (a) 2.; and *to create* 51.40 (1) (cm) of the statutes;  
2 **relating to:** county of residence for care management organization facility  
3 placements.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, counties are responsible for paying for the care, treatment, and services of individuals in certain facilities. Current law specifies that the county responsible for paying is the county of residence. For an individual who is placed in a facility by a county department or agency, current law designates the county of residence as the county of the county department or agency making that placement and not the county in which the facility is located. Under this bill, the county of residence for an individual who is placed by a county department, agency of a county department, or care management organization remains the county in which the individual resided immediately before the placement. A care management organization is an organization under contract with the Department of Health Services to provide the Family Care benefit, Family Care Partnership benefit, or the benefit under the Program of All-Inclusive Care for the Elderly (PACE) through a managed care model. Family Care is a long-term care program, and the Family Care Partnership and PACE programs provide long-term care integrated with health benefits.

**SENATE BILL 248**

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

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

1           **SECTION 1.** 51.40 (1) (cm) of the statutes is created to read:

2           51.40 **(1)** (cm) “Care management organization” means a managed care  
3 organization that is under contract with the department to provide the Family Care  
4 benefit under s. 46.286, the Family Care Partnership benefit described under s.  
5 49.496 (1) (bk) 3., or the benefit under the program of all-inclusive care for the elderly  
6 under 42 USC 1395eee or 1396u-4.

7           **SECTION 2.** 51.40 (2) (a) 2. of the statutes is amended to read:

8           51.40 **(2)** (a) 2. ‘Placement by a county or care management organization.’  
9 Except for the provision of emergency services under s. 51.15, 51.42 (1) (b), 51.437  
10 (4) (c), or 51.45 (11) and (12), emergency protective services under s. 55.13, or  
11 emergency protective placement under s. 55.135, if a county department ~~or~~, an  
12 agency of a county department, or a care management organization places or makes  
13 arrangements for placement of the individual into a facility, the individual is  
14 remains a resident of the county of ~~that county department~~ in which the individual  
15 resided immediately before the individual’s initial placement. Any agency of the  
16 county department is deemed to be acting on behalf of the county department in  
17 placing or making arrangements for placement. Placement of an individual by a  
18 county department ~~or~~, an agency of a county department, or a care management  
19 organization in a facility outside the jurisdiction of the county department ~~or~~, agency,  
20 or care management organization does not transfer the individual’s legal residence  
21 to the county in which the facility is located. If a resident of a county is physically

**SENATE BILL 248**

1 present in another county and is in need of immediate care, the county in which the  
2 individual is present may provide for his or her immediate needs under s. 51.15,  
3 51.20, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) or (12), or ch. 54 or 55, without  
4 becoming the individual's county of residence.

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**(END)**