



WHCA/WiCAL

For Immediate Release
October 14, 2011

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‘Strengthening Our Nursing Homes Act’ Receives Hearing *AB-302/SB-212 Would Focus Enforcement on Quality*

MADISON – Members and staff of the Wisconsin Health Care Association (WHCA) and the Wisconsin Center for Assisted Living (WiCAL) testified in favor of the “Strengthening Our Nursing Homes Act” in a public hearing at the State Capitol on Thursday.

[Assembly Bill 302/Senate Bill 212](#) is legislation designed to eliminate the practice of penalizing nursing facilities for the same incident both under state and federal regulations. This practice causes a significant and undue burden on facilities that takes away resources from providing quality care.

“We’re here today to talk about some of the most elderly and frail citizens of our state,” said State Representative Dan Knodl (R-Germantown), who introduced the legislation with Senator Pam Galloway (R-Wausau). “Those residents in nursing homes already receive quality care in Wisconsin facilities and this bill helps to improve upon that great care.”

There is strong support of AB-302/SB-212 among members of the Senate Public Health, Human Services, and Revenue and the Assembly Aging and Long-Term Care Committees, where the companion bills have been referred, with 3 of the 5 Senators on the Senate committee co-sponsoring the bill, and 4 of the 6 Representatives on the Assembly committee listed as co-sponsors of the legislation.

Knodl, Galloway, and numerous other officials who testified about AB-302/SB-212 emphasized that this legislation does not eliminate any regulation or quality expectation currently in place. It simply eliminates the double penalty for the same situation. If passed, this bipartisan-supported bill would give DHS the authority to use both federal and state violations with their various enforcement tools.

WHCA/WiCAL has been working with The Wisconsin Association of Homes and Services for the Aging (WAHSA), as well as officials from the Department of Health Services (DHS) and the Board on Aging and Long-Term Care (BOALTC) to develop this legislation. The American Association of Retired Persons, Wisconsin Counties Association, and the Wisconsin Hospital Association all registered in favor of the legislation.

“This bill represents an attempt to fix the regulatory system – I think it’s a good first start,” said Heather Bruemmer, the Wisconsin Board on Aging and Long-Term Care (BOALTC), which advocates on behalf of the interests of the elderly and disabled in long-term care. “This bill is an

acknowledgement of the fact that there are problems with the current system and this bill is an attempt to restructure the regulatory system into something that will not only provide penalties for regulatory violations, but also effective incentives for facilities to deliver the care that our seniors and disabled individuals deserve.”

AB-302/SB-212 makes modifications to Chapter 50 that would put into statute the development of a Quality Improvement Committee that would be responsible for distributing those funds that are currently returned to the DHS as a portion of the federal financial penalties imposed against providers.

“For several years, DHS has operated a committee that is responsible for distributing funds that are returned to the state,” said Brian Purtell, WHCA/WiCAL Legal Services Director. “There are specific restrictions on how the federal government permits these funds to be used. Specifically, they must be used for quality improvement in nursing homes. This bill puts into statute the obligation that such efforts would continue. WHCA/WiCAL strongly supports the statutory recognition of the Civil Monetary Penalty Committee and this bill would put into statute and solidify the existence of this Committee.”

Numerous officials from WHCA/WiCAL member facilities from around the state testified on behalf of the legislation, emphasizing the unnecessary regulatory burden that this legislation seeks to alleviate in the interests of allocating greater resources to quality care.

“How is it going to improve quality of care if we keep citing and citing and citing facilities for the same situation?” said Dr. Joe Boero, Medical Director of Park Manor in Park Falls.

“The survey process should be about improving the quality of care for our residents,” Purtell said. “The current survey process is punitive and duplicitous, and takes financial and human resources away from providing quality care to residents of Wisconsin nursing facilities.”

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