



# Wisconsin Assisted Living Association

## News Blast

*January 19, 2011*

Hope your staying warm with this cold spell!

**Save the date for the  
WALA Spring  
Conference!**

**March 22-24, 2011**

**Kalahari Resort,  
Wisconsin Dells**

Agendas have been sent out... if you haven't received one please contact the WALA office.

Notice that all the pictures in the agenda are from Mary Kay Baum, a survivor of early on-set dementia.

WALA Members receive these blasts twice a month plus whenever breaking news in Assisted Living develops. If you are a member and want to join the mailing list please follow the link on the left of the page.

Have you renewed your membership for 2011? If not, contact Sarah Bass, WALA's Operations Director at [sbass@ewala.org](mailto:sbass@ewala.org) or call her at 608/288-0246 to renew or to become a new member today!

For more information about WALA please visit our website at [www.ewala.org](http://www.ewala.org)

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### **Legislative Update**

#### **Wisconsin Senate Passes Tort Reform Bill - Assembly to Take Action on Thursday**

After deliberating for nearly four and a half hours the Wisconsin Senate passed Special Session Senate Bill 1, <http://legis.wisconsin.gov/2011/data/jr1SB1hst.html> relating to Wisconsin Tort Reform.

Democrats who are in the minority offered 13 amendments that were all tabled (failed to pass) by a vote of 19-14. Republicans offered three amendments that passed.

The Tort Reform Senate Bill passed with amendment by a vote of 19-14.

The Amendments to the Senate Bill, include:

- **Punitive Damages:** Places a cap on punitive damages of, "may not exceed twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater."
- **Punitive Damages (DWI\OWI Exclusions):** Ensures that certain protections offered in the bill do not apply to a plaintiff seeking punitive damages from a defendant whose actions included the operation of a vehicle, including a motor vehicle, a snowmobile, an all-terrain vehicle, and a boat - while under the influence of an intoxicant to a degree that rendered the defendant incapable of safe operation of the vehicle.
- **Daubert Standard:** Modify so that the bill better mirrors the federal "Daubert Standard," relating to qualified expert witnesses.
- **Retroactivity:** The current bill provides that the new provisions are retroactive, which would impact existing cases. The amendment deletes the retroactivity clause, since this could be challenged later and possibly found unconstitutional.
- **Product Liability Cases:** Senate Amendment 9 (<http://legis.wisconsin.gov/insession/senate/index.htm>) made various changes relating to product liability.

Please note that earlier today, the Assembly Committee on Judiciary & Ethics voted 5-2 in support of passage of the Assembly companion bill on tort reform.

The Assembly is expected to take up tort reform on Thursday. If the Assembly passes the tort reform bill as the Senate has amended, the bill could be available for action by the Governor at the end of this week or early next week.

More information about what the Tort Reform Bill

would mean for you at:

<http://www.ewala.org/news/WisconsinSenatePassesTortReformBill.doc>

## **REPEAL OF HEALTH CARE**

The following is information from The White House on the repeal of the Affordable Health Care Act. There is a link to the impact on Wisconsin as determined by The White House.

There are new fact sheets on [healthcare.gov](http://www.healthcare.gov) (<http://www.healthcare.gov/news/factsheets/repealcosts.html>) on the "The Price of Repealing the Affordable Care Act". There is a **general factsheet** along with **state-by-state fact sheets** outlining how each state will be impacted if the law is repealed

## **New Memo from BAL**

[DQA Memo 11 -002](http://www.dhs.wisconsin.gov/rl_DSL/Publications/11-002.htm) - [http://www.dhs.wisconsin.gov/rl\\_DSL/Publications/11-002.htm](http://www.dhs.wisconsin.gov/rl_DSL/Publications/11-002.htm)

In July of 2010, the Wisconsin Department of Administration had approved the Department of Health Services' request to reorganize the Division of Quality Assurance. The reorganization created the Office of Plan Review and Inspection (OPRI) and moved DQA's Civil Engineer Advanced and support staff positions from the Bureaus of Health Services and Nursing Home Resident Care to OPRI.

This reorganization is in an effort to improve customer service and regulatory consistency. We are pleased to announce the appointment of David Soens as Director of the Office of Plan Review and Inspection in December 2010. Effective immediately David will assume supervisory responsibility over the Bureau of Health Services and Bureau of Nursing Home Resident Care engineers.

This memo has all contact information for David Soens and other directors and chiefs of the OPRI.

## **AL Forum - Meeting update/information**

The AL Forum held on January 11, 2011 was conducted via a web based program (Adobe Connect). Over 200 participants joined the meeting, and overall the feeling was that the new technology was a success. This format will be used for the May 10, and September 13 meetings. All others on March 8, July 12, and November 8, 2011 will be held at MATC in Madison. For more information about the AL Forum go here: [http://www.dhs.wisconsin.gov/rl\\_dsl/Providers/asstdLvForum.htm](http://www.dhs.wisconsin.gov/rl_dsl/Providers/asstdLvForum.htm)

### **Items Discussed at the January 11, 2011 Meeting**

#### **AL Forum Statistics -**

The AL Forum has gained popularity over the years, in fact now at a usual meeting over 100 people join the AL Forum at MATC. When BAL put on the first web based meeting 135 people joined, and at this meeting there was over 200.

Over 1700 people are on the ListServ, getting BAL updates, memos and information about the AL Forum.

This is helping the entire AL community by keeping facilities current on regulations and promoting better communication!

Thank you for connecting yourself! If you are not connected to the AL Forum or the BAL Listserv please go here for more information:[http://www.dhs.wisconsin.gov/rl\\_dsl/Listserv/signup.HTM](http://www.dhs.wisconsin.gov/rl_dsl/Listserv/signup.HTM)

### **Introductions made by new members of The Office of the Secretary of DHS**

Dennis Smith, the Secretary of the Department of Health Services, Kitty Rhoades, Deputy Secretary, and Kevin Moore, Executive Assistant of The Office of the Secretary, all introduced themselves and gave some background of their experiences with Assisted Living. WALA welcomes them to the Department, and looks forward to seeing what they can offer Assisted Living! Dennis Smith has been invited to speak at the [2011 WALA Annual Spring Conference](#) on state-wide rate setting methodology.

### **Minority Health Disparities**

Fabienne Oapou-Lena, Minority Health Officer from the Division of Public Health spoke to the group about the minority disparities that are prevalent in the United States today. Disparities were defined as lack of equality that is not normal. It was a very interesting presentation, packed full of interesting statistics. She explained that the cost of these minority disparities were very high for all of us, and they are collecting data to help in making changes to promote equality.

She would like to partner with the AL community, through the AL Forum to share the following information:

- Data; they will share their information and will ask for participation in surveys
- New Initiatives; what they are doing and what you are doing to prevent disparities
- Funding; has mini grants available
- Policy Support; has legislative and regulatory policies to be reviewed

For more information about this Division and reports available go to: <http://www.dhs.wisconsin.gov/health/minorityhealth/>

For this particular report go to:

<http://www.dhs.wisconsin.gov/health/minorityhealth/report20012005.htm>

## **Office of Plan Review and Inspections Update**

Davis Soens gave an introduction, overview and update on the Office of Plan Review. Please see [DQA Memo 11-002](#) for more information on their connection to BAL.

## **BAL Focus on Both Sides of the Bell Curve**

Kevin Coughlin, Director of BAL, Division of Quality Assurance, presented information about the facilities that were low on the bell curve with many serious enforcement issues, and the facilities that were working to raise themselves higher on the bell curve. Many companies did this by attending educational opportunities, some of which WALA provides. Increasing communication by attending the AL Forum helps in dispersing information and creates mutual respect between facilities and regulatory agencies, and of course, association members are found to have a higher compliance rate than non-members.

Kevin explained BAL's enforcement philosophy:

Use enforcement to help move the industry to quality:

- Use sanctions that can improve systemic concerns so communities can correct and sustain compliance
- Progressive Sanctions
- Aggressive action against the communities with persistent or serious non-compliance
- Collaborate with other agencies including Advocates, OCQ, DLTC, Counties, MCO's, DRL, DCF, DOJ and Attorney General

## **Managed Care Update**

WALA has heard from some providers about a letter they received this week from Community Care. In the letter, Community Care is providing notice that effective February 1, 2011 there will be a 6-7% reimbursement rate reduction due to "anticipating" what their losses will be in 2011.

Have others with Community Care had similar letters? **Please let WALA know.**

## **Time is running out! Take the WALA Compensation Survey Now!**

**Have you wondered what others in your area compensate their staff? Take this survey to be able to compare your facilities compensation to others like yours in the State!**

The second annual WALA Compensation Survey for Wisconsin's Assisted Living Facilities is now available!

**Participants will receive the published report of the findings and be entered in a drawing for a \$300.00 voucher for WALA products and events!**

You can take the survey 3 ways:

- Use Survey Monkey directly online,
- Download the PDF and send information to Wipfli LLP,
- Download an Excel Spreadsheet and send information to Wipfli LLP

[Take the survey today!](http://www.ewala.org) Go to [www.ewala.org](http://www.ewala.org) for more information.

**Sincerely,**

Jim Murphy, Executive Director  
Sarah Bass, Operations Director

Wisconsin Assisted Living Association