



To: Senator Rachael Cabral-Guevara, Chair  
Members of the Senate Committee on Health

From: Michael Pochowski, President & CEO

Date: Wednesday, October 4, 2023

Re: **Senate Bill 257**

On behalf of the Wisconsin Assisted Living Association (WALA) we are asking for a simple amendment to Senate Bill 257, legislation relating to visitation of a long-term care facility resident or hospital patient by an essential visitor or member of the clergy. Namely, that the federal Centers for Disease Control and Prevention (CDC) be included as an exception along with the federal Centers for Medicare and Medicaid Services (CMS) for long-term care facilities, as assisted living facilities are required to follow CDC guidance and not CMS guidance.

Please know we are asking for this amendment as it was not included in the Substitute Amendment filed on October 2, 2023 even though it was listed in the bill filed on May 2, 2023.

WALA supports the position that residents be able to designate an essential visitor to visit and provide support for a resident. Further, we appreciate that an exception is provided in SB 257 when the federal Centers for Medicare and Medicaid Services (CMS), a division of the U.S. Department of Health and Human Services (DHHS) issues more restrictive guidance, likely to occur in times of crisis.

However, CMS does not have regulatory authority over assisted living facilities. In fact, unlike other provider types identified in SB 257, assisted living facilities are not Medicaid or Medicare certified. Medicaid coverage of assisted living varies by state. Further, Medicare does not cover the cost of assisted living facilities or any other long-term residential care.

Federal guidance for assisted living facilities on infection control of communicable diseases (such as influenza, COVID-19, Viral Hepatitis, Tuberculosis, etc.), including visitations, traditionally comes from DHHS-CDC (not DHHS-CMS).

Therefore, WALA is asking that an additional division of DHHS be identified specifically for assisted living facilities - the federal Centers for Disease Control and Prevention (CDC) - as this agency division has and is more likely to provide such guidance for assisted living facilities.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me or our lobbyist, Forbes McIntosh.

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The Wisconsin Assisted Living Association is a statewide association for Wisconsin's assisted living industry. WALA represents over 1,500 Wisconsin's assisted living facilities and their residents. WALA promotes standards of quality care and provides valuable member services to organizations providing assisted living services. WALA leads the profession with advocacy, educational programs, professional products and tools, and other member quality resources.

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