

## **Chapter HFS 132**

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**Note:** Chapter H 32 as it existed on July 31, 1982 was repealed and a new chapter HFS 132 was created effective August 1, 1982. Chapter HSS 132 was renumbered chapter HFS 132 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1996, No. 492.

#### **Subchapter I — General**

**HFS 132.11 Statutory authority.** This chapter is promulgated under the authority of s. 50.02, Stats., to provide conditions of licensure for nursing homes.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**HFS 132.12 Scope.** All nursing homes licensed under s. 50.03, Stats., are subject to all the provisions of this chapter, except for those provisions that apply only to particular licensure categories, and except for those nursing homes regulated by ch. HFS 134. Nursing homes include those owned and operated by the state, counties, municipalities, or other public bodies.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**HFS 132.13 Definitions.** In this chapter:

**(1)** "Abuse" has the meaning specified under s. HFS 13.03 (1).

**(1m)** "Advanced practice nurse prescriber" means a person who has been granted a certificate to issue prescription orders under s. 441.16 (2), Stats.

**(2)** “Ambulatory” means able to walk independently or with limited assistance from a person or equipment, such as a walker or cane.

**(2m)** “Authorized prescriber” means a person licensed in this state to prescribe medications, treatments or rehabilitative therapies, or licensed in another state and recognized by this state as a person authorized to prescribe medications, treatments or rehabilitative therapies.

**(3)** “Department” means the Wisconsin department of health and family services.

**(4)** “Developmental disability” means mental retardation or a related condition, such as cerebral palsy, epilepsy or autism, but excluding mental illness and infirmities of aging, which is:

(a) Manifested before the individual reaches age 22;

(b) Likely to continue indefinitely; and

(c) Results in substantial functional limitations in 3 or more of the following areas of major life activity:

1. Self-care;

2. Understanding and use of language;

3. Learning;

4. Mobility;

5. Self-direction; and

6. Capacity for independent living.

**(5)** “Dietitian” means a person who is any of the following:

(a) Certified under s. 448.78, Stats.

(b) Licensed or certified as a dietitian in another state.

**(6)** “Direct supervision” means supervision of an assistant by a supervisor who is present in the same building as the assistant while the assistant is performing the supervised function.

**(7)** “Facility” means a nursing home subject to the requirements of this chapter.

**(8)** “Full-time” means at least 37.5 hours each week devoted to facility business.

**(8m)** “IMD” or “institution for mental diseases” means a facility that meets the definition of an institution for mental diseases under 42 CFR 435.1009.

**(8r)** “Intensive skilled nursing care” means care requiring specialized nursing assessment skills and the performance of specific services and procedures that are complex because of the resident’s condition or the type or number of procedures that are necessary, including any of the following:

(a) Direct patient observation or monitoring or performance of complex nursing procedures by registered nurses or licensed practical nurses on a continuing basis.

(b) Repeated application of complex nursing procedures or services every 24 hours.

(c) Frequent monitoring and documentation of the resident’s condition and response to therapeutic measures.

**(9)** “Intermediate care facility” means a nursing home which is licensed by the department as an intermediate care facility to provide intermediate nursing care.

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**(10)** “Intermediate nursing care” means basic care consisting of physical, emotional, social and other rehabilitative services under periodic medical supervision. This nursing care requires the skill of a registered nurse for observation and recording of reactions and symptoms, and for supervision of nursing care. Most of the residents have long-term illnesses or disabilities which may have reached a relatively stable plateau. Other residents whose conditions are stabilized may need medical and nursing services

to maintain stability. Essential supportive consultant services are provided.

**(11)** “Licensed practical nurse” means a person licensed as a licensed practical nurse under ch. 441, Stats.

**(12)** “Limited nursing care” means simple nursing care procedures required by residents with long-term illnesses or disabilities in order to maintain stability and which can be provided safely only by or under the supervision of a person no less skilled than a licensed practical nurse who works under the direction of a registered nurse. Supervision of the physical, emotional, social and rehabilitative needs of the resident is the responsibility of the appropriate health care provider serving under the direction of a physician.

**(13)** “Mobile nonambulatory” means unable to walk without assistance, but able to move from place to place with the use of a device such as a walker, crutches, a wheel chair or a wheeled platform.

**(13m)** “Neglect” has the meaning specified under s. HFS 13.03 (14.)

**(14)** “Nonambulatory” means unable to walk without assistance.

**(15)** “Nonmobile” means unable to move from place to place.

**(16)** “Nurse” means a registered nurse or licensed practical nurse.

**(17)** “Nurse practitioner” means a registered professional nurse who meets the requirements of s. HFS 105.20 (1).

**(18)** “Nursing assistant” means a person who is employed primarily to provide direct care services to residents but is not registered or licensed under ch. 441, Stats.

**(19)** “Personal care” means personal assistance, supervision and a suitable activities program. In addition:

(a) Provision is made for periodic medical supervision and other medical services as needed. These services are for individuals who do not need nursing care but do need the services provided by this type of facility in meeting their needs. Examples of these individuals are those referred from institutions for the developmentally disabled, those disabled from aging, and the chronically ill whose conditions have become stabilized;

(b) The services provided are chiefly characterized by the fact that they can be provided by personnel other than those trained in medical or allied fields. The services are directed toward personal assistance, supervision, and protection;

(c) The medical service emphasizes a preventive approach of periodic medical supervision by the resident’s physician as part of a formal medical program that will provide required consultation services and also cover emergencies; and

(d) The dietary needs of residents are met by the provision of an adequate general diet or by therapeutic, medically prescribed diets.

**(20)** “Pharmacist” means a person registered as a pharmacist under ch. 450, Stats.

**(21)** “Physical therapist” means a person licensed to practice physical therapy under ch. 448, Stats.

**(22)** “Physician” means a person licensed to practice medicine or osteopathy under ch. 448, Stats.

**(23)** “Physician extender” means a person who is a physician’s assistant or a nurse practitioner acting under the general supervision and direction of a physician.

**(24)** “Physician’s assistant” means a person certified under ch. 448, Stats., to perform as a physician’s assistant.

**(25)** “Practitioner” means a physician, dentist, podiatrist or other person permitted by Wisconsin law to distribute, dispense and administer a controlled substance in the course of professional practice.

**(26)** “Recuperative care” means care anticipated to be provided for a period of 90 days or less for a resident whose physician has certified that he or she is convalescing or recuperating from an illness or a medical treatment.

**(27)** “Registered nurse” means a person who holds a certificate of registration as a registered nurse under ch. 441, Stats.

**(28)** “Resident” means a person cared for or treated in any facility on a 24-hour basis irrespective of how the person has been admitted to the facility.

**(29)** “Respite care” means care anticipated to be provided for a period of 28 days or less for the purpose of temporarily relieving a family member or other caregiver from his or her daily caregiving duties.

**(30)** “Short-term care” means recuperative care or respite care.

**(31)** “Skilled nursing facility” means a nursing home which is licensed by the department to provide skilled nursing services.

**(32)** (a) “Skilled nursing services” means those services furnished pursuant to a physician’s orders which:

1. Require the skills of professional personnel such as registered or licensed practical nurses; and
2. Are provided either directly by or under the supervision of these personnel.

(b) In determining whether a service is skilled, the following criteria shall be used:

1. The service would constitute a skilled service where the inherent complexity of a service prescribed for a resident is such that it can be safely and effectively performed only by or under the supervision of professional personnel;
2. The restoration potential of a resident is not the deciding factor in determining whether a service is to be considered skilled or unskilled. Even where full recovery or medical improvement is not possible, skilled care may be needed to prevent, to the extent possible, deterioration of the condition or to sustain current capacities; and
3. A service that is generally unskilled would be considered skilled where, because of special medical complications, its performance or supervision or the observation of the resident necessitates the use of skilled nursing personnel.

**(33)** “Specialized consultation” means the provision of professional or technical advice, such as systems analysis, crisis resolution or inservice training, to assist the facility in maximizing service outcomes.

**(34)** “Supervision” means at least intermittent face-to-face contact between supervisor and assistant, with the supervisor instructing and overseeing the assistant, but does not require the continuous presence of the supervisor in the same building as the assistant.

**(35)** “Tour of duty” means a portion of the day during which a shift of resident care personnel are on duty.

**(36)** “Unit dose drug delivery system” means a system for the distribution of medications in which single doses of medications are individually packaged and sealed for distribution to residents.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; emerg. renum. (3) to (24) to be (4) to (25), cr. (3), eff. 9-15-86; r. and recr. Register, January, 1987, No. 373, eff. 2-1-87; emerg. cr. (8m), eff. 7-1-88; am. (4), Register, February, 1989, No. 398, eff. 3-1-89; cr. (8m), Register, October, 1989, No. 406, eff. 11-1-89; correction made to (17) under s. 13.93 (2m) (b) 7., Stats., Register December 2003 No. 576; **CR 04-053: r. and recr. (1), cr. (1m), (2m), (8r) and (13m), am. (2) and (5) Register October 2004 No. 586, eff. 11-1-04.**

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**HFS 132.14 Licensure. (1) CATEGORIES. Nursing homes**

shall elect one of the following categories of licensure:

(a) Skilled nursing facility; or

(b) Intermediate care facility.

**(1m) LICENSURE AS AN INSTITUTION FOR MENTAL DISEASES.**

(a) *Requirements.* The department may grant a facility a license to operate as an institution for mental diseases if the following conditions are met:

1. The conversion of all or some of the beds within the facility will result in a physically identifiable unit of the facility, which may be a ward, contiguous wards, a wing, a floor or a building, and which is separately staffed;
2. The IMD shall have a minimum of 16 beds;
3. The conversion of beds to or from an IMD shall not increase the total number of beds within the facility; and
4. The facility has submitted an application under subs. (2) and (3) to convert all or a portion of its beds to an IMD and the department has determined that the facility is in substantial compliance with this chapter. A facility may not submit an application for conversion of beds to or from an IMD more than 2 times a year.

(b) *Exclusion.* An existing facility applying to be licensed in whole or part as an IMD is not subject to prior review under ch. 150, Stats.

**(2) APPLICATION.** Application for a license shall be made on a form provided by the department.

**Note:** To obtain a copy of the application form for a license to operate a nursing home, write: Bureau of Quality Assurance, P.O. Box 309, Madison, Wisconsin 53701.

**(3) REQUIREMENTS FOR LICENSURE.** (a) In every application the license applicant shall provide the following information:

1. The identities of all persons or business entities having the authority, directly or indirectly, to direct or cause the direction of the management or policies of the facility;
2. The identities of all persons or business entities having any ownership interest whatsoever in the facility, whether direct or indirect, and whether the interest is in the profits, land or building, including owners of any business entity which owns any part of the land or building;
3. The identities of all creditors holding a security interest in the premises, whether land or building; and
4. In the case of a change of ownership, disclosure of any relationship or connection between the old licensee and the new licensee, and between any owner or operator of the old licensee and the owner or operator of the new licensee, whether direct or indirect.

(b) The applicant shall provide any additional information requested by the department during its review of the license application.

(c) The applicant shall submit evidence to establish that he or she has sufficient resources to permit operation of the facility for a period of 6 months.

(d) No license may be issued unless and until the applicant has supplied all information requested by the department.

**(4) REVIEW OF APPLICATION.** (a) *Investigation.* After receiving a complete application, the department shall investigate the applicant to determine if the applicant is fit and qualified to be a licensee and to determine if the applicant is able to comply with this chapter.

(b) *Fit and qualified.* In making its determination of the applicant's fitness, the department shall review the information contained in the application and shall review any other documents that appear to be relevant in making that determination, including survey and complaint investigation findings for each facility with which the applicant is affiliated or was affiliated during the past

5 years. The department shall consider at least the following:

1. Any class A or class B violation, as defined under s. 50.04, Stats., issued by the department relating to the applicant's operation of a residential or health care facility in Wisconsin;
2. Any adverse action against the applicant by the licensing agency of this state or any other state relating to the applicant's operation of a residential or health care facility. In this subdivision, "adverse action" means an action initiated by a state licensing agency which resulted in the denial, suspension or revocation of the license of a residential or health care facility operated by the applicant;
3. Any adverse action against the applicant based upon noncompliance with federal statutes or regulations in the applicant's operation of a residential or health care facility in this or any other state. In this subdivision, "adverse action" means an action by a state or federal agency which resulted in the denial, non-renewal, cancellation or termination of certification of a residential or health care facility operated by the applicant;
4. The frequency of noncompliance with state licensure and federal certification laws in the applicant's operation of a residential or health care facility in this or any other state;
5. Any denial, suspension, enjoining or revocation of a license the applicant had as a health care provider as defined in s. 146.81 (1), Stats., or any conviction of the applicant for providing health care without a license;
6. Any conviction of the applicant for a crime involving neglect or abuse of patients or of the elderly or involving assaultive behavior or wanton disregard for the health or safety of others;
7. Any conviction of the applicant for a crime related to the delivery of health care services or items;
8. Any conviction of the applicant for a crime involving controlled substances;
9. Any knowing or intentional failure or refusal by the applicant to disclose required ownership information; and
10. Any prior financial failures of the applicant that resulted in bankruptcy or in the closing of an inpatient health care facility or the moving of its residents.

**(5) ACTION BY THE DEPARTMENT.** Within 60 days after receiving a complete application for a license, the department shall either approve the application and issue a license or deny the application. The department shall deny a license to any applicant who has a history, determined under sub. (4) (b) 1. to 4., of substantial noncompliance with federal or this state's or any state's nursing home requirements, or who fails under sub. (4) (b) 5. to 10., to qualify for a license. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial and shall identify the process for appealing the denial.

**(6) TYPES OF LICENSE.** (a) *Probationary license.* If the applicant has not been previously licensed under this chapter or if the facility is not in operation at the time application is made, the department shall issue a probationary license. A probationary license shall be valid for 12 months from the date of issuance unless sooner suspended or revoked under s. 50.03 (5), Stats. If the applicant is found to be fit and qualified under sub. (4) and in substantial compliance with this chapter, the department shall issue a regular license upon expiration of the probationary license. The regular license is valid indefinitely unless suspended or revoked.

(b) *Regular license.* If the applicant has been previously licensed, the department shall issue a regular license if the applicant is found to be in substantial compliance with this chapter. A

regular license is valid indefinitely unless suspended or revoked.

**(7) SCOPE OF LICENSE.** (a) The license is issued only for the premises and the persons named in the license application, and may not be transferred or assigned by the licensee.

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(b) The license shall state any applicable restrictions, including maximum bed capacity and the level of care that may be provided, and any other limitations that the department considers appropriate and necessary taking all facts and circumstances into account.

(c) A licensee shall fully comply with all requirements and restrictions of the license.

**(8) REPORTING.** Every 12 months, on a schedule determined by the department, a nursing home licensee shall submit a report to the department in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a), Stats. If a complete report is not timely filed, the department shall issue a warning to the licensee. If a nursing home licensee who has not filed a timely report fails to submit a complete report to the department within 60 days after the date established under the schedule determined by the department, the department may revoke the license.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; cr. (5), Register, November, 1985, No. 359, eff. 12-1-85; r. and recr., Register, January, 1987, No. 373, eff. 2-1-87; emerg. cr. (1m), eff. 7-1-88; am. (3) (c), renum. (4) to (6) to be (5) to (7) and am. (5) and (6) (a), cr. (4), Register, February, 1989, No. 398, eff. 3-1-89; cr. (1m), Register, October, 1989, No. 406, eff. 11-1-89; am. (6), cr. (8), Register, August, 2000, No. 536, eff. 9-1-00.

**HFS 132.15 Certification for medical assistance.**

For requirements for certification under the medical assistance program, see ch. HFS 105.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**Subchapter II — Enforcement**

**HFS 132.21 Waivers and variances. (1) DEFINITIONS.**

As used in this section:

(a) “Waiver” means the grant of an exemption from a requirement of this chapter.

(b) “Variance” means the granting of an alternate requirement in place of a requirement of this chapter.

**(2) REQUIREMENTS FOR WAIVERS OR VARIANCES.** A waiver or variance may be granted if the department finds that the waiver or variance will not adversely affect the health, safety, or welfare of any resident and that:

(a) Strict enforcement of a requirement would result in unreasonable hardship on the facility or on a resident; or

(b) An alternative to a rule, including new concepts, methods, procedures, techniques, equipment, personnel qualifications, or the conducting of pilot projects, is in the interests of better care or management.

**(3) PROCEDURES.** (a) *Applications.* 1. All applications for waiver or variance from the requirements of this chapter shall be made in writing to the department, specifying the following:

a. The rule from which the waiver or variance is requested;

b. The time period for which the waiver or variance is requested;

c. If the request is for a variance, the specific alternative action which the facility proposes;

d. The reasons for the request; and

e. Justification that sub. (2) would be satisfied.

2. Requests for a waiver or variance may be made at any time.

3. The department may require additional information from the facility prior to acting on the request.

(b) *Grants and denials.* 1. The department shall grant or deny each request for waiver or variance in writing. Notice of denials shall contain the reasons for denial. If a notice of denial is not issued within 60 days after the receipt of a complete request, the waiver or variance shall be automatically approved.

2. The terms of a requested variance may be modified upon agreement between the department and a facility.

3. The department may impose such conditions on the granting of a waiver or variance which it deems necessary.

4. The department may limit the duration of any waiver or variance.

(c) *Hearings.* 1. Denials of waivers or variances may be contested by requesting a hearing as provided by ch. 227, Stats.

2. The licensee shall sustain the burden of proving that the denial of a waiver or variance was unreasonable.

(d) *Revocation.* The department may revoke a waiver or variance if:

1. It is determined that the waiver or variance is adversely affecting the health, safety or welfare of the residents; or

2. The facility has failed to comply with the variance as granted; or

3. The licensee notifies the department in writing that it wishes to relinquish the waiver or variance and be subject to the rule previously waived or varied; or

4. Required by a change in law.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3) (a) 1. d., Register, January, 1987, No. 373, eff. 2-1-87.

### **Subchapter III — Residents' Rights and Protections**

#### **HFS 132.31 Rights of residents. (1) RESIDENTS'**

**RIGHTS.** Every resident shall, except as provided in sub. (3), have the right to:

(a) *Communications.* Have private and unrestricted communications with the resident's family, physician, attorney and any other person, unless medically contraindicated as documented by the resident's physician in the resident's medical record, except that communications with public officials or with the resident's attorney shall not be restricted in any event. The right to private and unrestricted communications shall include, but is not limited to, the right to:

1. Receive, send, and mail sealed, unopened correspondence.

No resident's incoming or outgoing correspondence may be opened, delayed, held, or censored, except that a resident or guardian may direct in writing that specified incoming correspondence be opened, delayed, or held.

2. Use a telephone for private communications.

3. Have private visits, pursuant to a reasonable written visitation policy.

(b) *Grievances.* Present grievances on one's own behalf or through others to the facility's staff or administrator, to public officials or to any other person without justifiable fear of reprisal, and join with other residents or individuals within or outside of the facility to work for improvements in resident care.

(c) *Finances.* Manage one's own financial affairs, including any personal allowances under federal or state programs. No resident funds may be held or spent except in accordance with the following requirements:

1. A facility may not hold or spend a resident's funds unless the resident or another person legally responsible for the resident's funds authorizes this action in writing. The facility shall obtain separate authorizations for holding a resident's funds and for spending a resident's funds. The authorization for spending a resident's funds may include a spending limit. Expenditures that



exceed the designated spending limit require a separate authorization for each individual occurrence;

2. Any resident funds held or controlled by the facility, and any earnings from them, shall be credited to the resident and may not be commingled with other funds or property except that of other residents;

3. The facility shall furnish a resident, the resident's guardian, or a representative designated by the resident with at least a quarterly statement of all funds and property held by the facility for the resident and all expenditures made from the resident's account, and a similar statement at the time of the resident's permanent discharge.

If the resident has authorized discretionary expenditures

by the facility and the facility has accepted responsibility for these

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expenditures, upon written request of the resident, the resident's guardian or a designated representative of the resident, the facility shall issue this statement monthly; and

4. The facility shall maintain a record of all expenditures, disbursements and deposits made on behalf of the resident.

(d) *Admission information.* Be fully informed in writing, prior to or at the time of admission, of all services and the charges for these services, and be informed in writing, during the resident's stay, of any changes in services available or in charges for services, as follows:

1. No person may be admitted to a facility without that person or that person's guardian or any other responsible person designated in writing by the resident signing an acknowledgement of having received a statement of information before or on the day of admission which contains at least the following information or, in the case of a person to be admitted for short-term care, the information required under s. HFS 132.70 (3):

a. An accurate description of the basic services provided by the facility, the rate charged for those services, and the method of payment for them;

b. Information about all additional services regularly offered but not included in the basic services. The facility shall provide information on where a statement of the fees charged for each of these services can be obtained. These additional services include pharmacy, x-ray, beautician and all other additional services regularly offered to residents or arranged for residents by the facility;

c. The method for notifying residents of a change in rates or fees;

d. Terms for refunding advance payments in case of transfer, death or voluntary or involuntary discharge;

e. Terms of holding and charging for a bed during a resident's temporary absence;

f. Conditions for involuntary discharge or transfer, including transfers within the facility;

g. Information about the availability of storage space for personal effects; and

h. A summary of residents' rights recognized and protected by this section and all facility policies and regulations governing resident conduct and responsibilities.

2. No statement of admission information may be in conflict with any part of this chapter.

(e) *Treatment.* Be treated with courtesy, respect, and full recognition of one's dignity and individuality by all employees of the facility and by all licensed, certified, and registered providers of health care and pharmacists with whom the resident comes in contact.

(f) *Privacy.* Have physical and emotional privacy in treatment,

living arrangements, and in caring for personal needs, including, but not limited to:

1. Privacy for visits by spouse. If both spouses are residents of the same facility, they shall be permitted to share a room unless medically contraindicated as documented by the resident's physician in the resident's medical record.

**Note:** See s. HFS 132.84 (1) (a).

2. Privacy concerning health care. Case discussion, consultation, examination, and treatment are confidential and shall be conducted discreetly. Persons not directly involved in the resident's care shall require the resident's permission to authorize their presence.

3. Confidentiality of health and personal records, and the right to approve or refuse their release to any individual outside the facility, except in the case of the resident's transfer to another facility or as required by law or third-party payment contracts.

(g) *Work*. Not be required to perform work for the facility, but may work for the facility if:

1. The work is included for therapeutic purposes in the resident's plan of care; and

2. The work is ordered by the resident's physician and does not threaten the health, safety, or welfare of the resident or others.

(h) *Outside activities*. Meet with and participate in activities of social, religious, and community groups at the resident's discretion, unless medically contraindicated as documented by the resident's physician in the resident's medical record.

(i) *Personal possessions*. Retain and use personal clothing and effects and to retain, as space permits, other personal possessions in a reasonably secure manner.

(j) *Transfer or discharge*. Be transferred or discharged, and be given reasonable advance notice of any planned transfer or discharge and an explanation of the need for and alternatives to the transfer or discharge except when there is a medical emergency. The facility, agency, program or person to which the resident is transferred shall have accepted the resident for transfer in advance of the transfer, except in a medical emergency.

**Note:** See s. HFS 132.53.

(k) *Abuse and restraints*. 1. Be free from mental and physical abuse, and be free from chemical and physical restraints except when required to treat the resident's medical symptoms and as authorized in writing by a physician for a specified and limited period of time and documented in the resident's medical record.

2. Notwithstanding the limitation in subd. 1. for using restraints only to treat a resident's medical symptoms, physical restraints may be used in an emergency when necessary to protect the resident or another person from injury or to prevent physical harm to the resident or another person resulting from the destruction of property, provided that written authorization for continued use of the physical restraints is obtained from the physician within 12 hours. Any use of physical restraints shall be noted in the resident's medical record. In this paragraph, "physical restraint" means any manual method, article, device or garment used primarily to modify resident behavior by interfering with the free movement of the resident or normal functioning of a portion of the body, and which the resident is unable to remove easily, or confinement in a locked room, but does not include a mechanical support as defined under s. HFS 132.60 (6) (a) 2.

**Note:** See ss. HFS 132.33, 132.43, and 132.60 (6).

(L) *Care*. Receive adequate and appropriate care within the capacity of the facility.

(m) *Choice of provider*. Use the licensed, certified or registered provider of health care and pharmacist of the resident's choice.

(n) *Care planning*. Be fully informed of one's treatment and

care and participate in the planning of that treatment and care.

(o) *Religious activity.* Participate in religious activities and services, and meet privately with clergy.

(p) *Nondiscriminatory treatment.* Be free from discrimination based on the source from which the facility's charges for the resident's care are paid, as follows:

1. No facility may assign a resident to a particular wing or other distinct area of the facility, whether for sleeping, dining or any other purpose, on the basis of the source or amount of payment, except that a facility only part of which is certified for Medicare reimbursement under 42 USC 1395 is not prohibited from assigning a resident to the certified part of the facility because the source of payment for the resident's care is Medicare.
2. Facilities shall offer and provide an identical package of basic services meeting the requirements of this chapter to all individuals regardless of the sources of a resident's payment or amount of payment. Facilities may offer enhancements of basic services, or enhancements of individual components of basic services, provided that these enhanced services are made available at an identical cost to all residents regardless of the source of a resident's payment. A facility which elects to offer enhancements to basic services to its residents must provide all residents with a detailed explanation of enhanced services and the additional charges for these services pursuant to par. (d) 1. b.

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3. If a facility offers at extra charge additional services which are not covered by the medical assistance program under ss. 49.43 to 49.497, Stats., and chs. HFS 101 to 108, it shall provide them to any resident willing and able to pay for them, regardless of the source from which the resident pays the facility's charges.

4. No facility may require, offer or provide an identification tag for a resident or any other item which discloses the source from which the facility's charges for that resident's care are paid.

**(2) INCOMPETENCE.** If the resident is found incompetent by a court under ch. 880, Stats., and not restored to legal capacity, the rights and responsibilities established under this section which the resident is not competent to exercise shall devolve upon the resident's guardian.

**(3) CORRECTIONS CLIENTS.** Rights established under this section do not, except as determined by the department, apply to residents in a facility who are in the legal custody of the department for correctional purposes.

**(4) NOTIFICATION.** (a) *Serving notice.* Copies of the resident rights provided under this section and the facility's policies and regulations governing resident conduct and responsibilities shall be made available to each prospective resident and his or her guardian, if any, and to each member of the facility's staff. Facility staff shall verbally explain to each new resident and to that person's guardian, if any, prior to or at the time of the person's admission to the facility, these rights and the facility's policies and regulations governing resident conduct and responsibilities.

(b) *Amendments.* All amendments to the rights provided under this section and all amendments to the facility regulations and policies governing resident conduct and responsibilities require notification of each resident or guardian, if any, or any other responsible person designated in writing by the resident, at the time the amendment is put into effect. The facility shall provide the resident or guardian, if any, or any other responsible person designated in writing by the resident and each member of the facility's staff with a copy of all amendments.

(c) *Posting*. Copies of the residents' rights provided under this chapter and the facility's policies and regulations governing resident conduct and responsibilities shall be posted in a prominent place in the facility.

**(5) ENCOURAGEMENT AND ASSISTANCE.** Each facility shall encourage and assist residents to exercise their rights as residents and citizens and shall provide appropriate training for staff awareness so that staff are encouraged to respect the rights of residents established under this section.

**(6) COMPLAINTS.** (a) *Filing complaints*. Any person may file a complaint with a licensee or the department regarding the operation of a facility. Complaints may be made orally or in writing.

(b) *Reviewing complaints*. Each facility shall establish a system of reviewing complaints and allegations of violations of residents' rights established under this section. The facility shall designate a specific individual who, for the purpose of effectuating this section, shall report to the administrator.

(c) *Reporting complaints*. Allegations that residents' rights have been violated by persons licensed, certified or registered under chs. 441, 446 to 450, 455, and 456, Stats., shall be promptly reported by the facility to the appropriate licensing or examining board and to the person against whom the allegation has been made. Any employee of the facility and any person licensed, certified, or registered under chs. 441, 446 to 450, 455 or 456, Stats., may also report such allegations to the board.

(d) *Liability*. No person who files a report as required in par.

(c) or who participates, in good faith, in the review system established under par. (b) shall be liable for civil damages for such acts, in accordance with s. 50.09 (6) (c), Stats.

(e) *Summary of complaints*. The facility shall attach a statement which summarizes complaints or allegations of violations of rights established under this section to an application for a license. The statement shall contain the date of the complaint or allegation, the names of the persons involved, the disposition of the matter, and the date of disposition. The department shall consider the statement in reviewing the application.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (1) (c), (d), (j), (m), (2) to (4), renum. (5) to (6), cr. (1) (p) and (5), Register, January, 1987, No. 373, eff. 2-1-87; am. (1) (d) 1. intro., (k) and (4) (b), Register, February, 1989, No. 398, eff. 3-1-89; am. (6) (e), Register, August, 2000, No. 536, eff. 9-1-00; **CR 04-053: am. (1) (k) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.32 Community organization access.**

**(1) ACCESS.** (a) In this section, "access" means the right to:

1. Enter any facility;
2. Seek a resident's agreement to communicate privately and without restriction with the resident;
3. Communicate privately and without restriction with any resident who does not object to communication; and
4. Inspect the health care and other records of a resident under ss. 146.81 through 146.83, Stats. Access does not include the right to examine the business records of the facility without the consent of the administrator or designee.

(b) Any employee, agent, or designated representative of a community legal services program or community service organization who meets the requirements of sub. (2) shall be permitted access to any facility whenever visitors are permitted by the written visitation policy referred to in s. HFS 132.31 (1) (a) 3., but not before 8:00 a.m., or after 9:00 p.m.

**(2) CONDITIONS.** (a) The employee, agent, or designated representative shall, upon request of the facility's administrator or administrator's designee, present valid and current identification signed by the principal officer of the agency, program, or organization represented, and evidence of compliance with par. (b).

(b) Access shall be granted for visits which are consistent with an express purpose of an organization which is currently registered with the state board on aging and long term care or purpose of which is to:

1. Visit, talk with, or offer personal, social, and legal services to any resident, or obtain information from the resident about the facility and its operations;
2. Inform residents of their rights and entitlements and their corresponding obligations under federal and state law, by means of educational materials and discussions in groups or with individual residents;
3. Assist any resident in asserting legal rights regarding claims for public assistance, medical assistance and social security benefits, and in all other matters in which a resident may be aggrieved; or
4. Engage in any other method of advising and representing residents so as to assure them full enjoyment of their rights.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; **CR 04-053: am. (1) (b) Register October 2004 No. 586, eff. 11-1-04.**

### **HFS 132.33 Housing residents in locked units.**

**(1) DEFINITIONS.** As used in this section:

(a) "Locked unit" means a ward, wing or room which is designated as a protective environment and is secured in a manner that prevents a resident from leaving the unit at will. A physical restraint applied to the body is not a locked unit. A facility locked for purposes of security is not a locked unit, provided that residents may exit at will.

(b) "Consent" means a written, signed request given without duress by a resident capable of understanding the nature of the locked unit, the circumstances of one's condition, and the meaning of the consent to be given.

**(2) RESTRICTION.** Except as otherwise provided by this section, no resident may be housed in a locked unit. Physical or chemical restraints or repeated use of emergency restraint under sub. (5) may not be used to circumvent this restriction. Placement in a locked unit shall be based on the determination that this placement

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is the least restrictive environment consistent with the needs of the person.

**Note:** For requirements relating to the use of physical and chemical restraints, including locked rooms, see s. HFS 132.60 (6).

**(3) PLACEMENT.** (a) A resident may be housed in a locked unit under any one of the following conditions:

1. The resident consents under sub. (4) to being housed on a locked unit;
2. The court that protectively placed the resident under s. 55.06, Stats., made a specific finding of the need for a locked unit;
3. The resident has been transferred to a locked unit pursuant to s. 55.06 (9) (c), Stats., and the medical record contains documentation of the notice provided to the guardian, the court and the agency designated under s. 55.02, Stats.; or
4. In an emergency governed by sub. (5).

(b) A facility may transfer a resident from a locked unit to an unlocked unit without court approval pursuant to s. 55.06 (9) (b), Stats., if it determines that the needs of the resident can be met on an unlocked unit. Notice of the transfer shall be provided as required under s. 55.06 (9) (b), Stats., and shall be documented in the resident's medical record.

**(4) CONSENT.** (a) A resident may give consent to reside in a locked unit.

(b) The consent of par. (a) shall be effective only for 90 days

from the date of the consent, unless revoked pursuant to par. (c).  
Consent may be renewed for 90-day periods pursuant to this subsection.

(c) The consent of par. (a) may be revoked by the resident at any time. The resident shall be transferred to an unlocked unit promptly following revocation.

**(5) EMERGENCIES.** In an emergency, a resident may be confined in a locked unit if necessary to protect the resident or others from injury or to protect property, provided the facility immediately attempts to notify the physician for instructions. A physician's order for the confinement must be obtained within 12 hours.

No resident may be confined for more than an additional 72 hours under order of the physician.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1) (a) and (2), r. and recr. (3), Register, January, 1987, No. 373, eff. 2-1-87.

#### **Subchapter IV — Management**

##### **HFS 132.41 Administrator. (1) STATUTORY REFERENCE.**

Section 50.04 (2), Stats., requires that a nursing home be supervised by an administrator licensed under ch. 456, Stats. Supervision shall include, but not be limited to, taking all reasonable steps to provide qualified personnel to assure the health, safety, and rights of the residents.

**(2) FULL-TIME ADMINISTRATOR.** Every nursing home shall be supervised full-time by an administrator licensed under ch. 456, Stats., except:

(a) *Multiple facilities.* If more than one nursing home or other licensed health care facility is located on the same or contiguous property, one full-time administrator may serve all the facilities;

(b) *Small homes.* A facility licensed for 50 beds or less shall employ an administrator for at least 4 hours per day on each of 5 days per week. No such administrator shall be employed in more than 2 nursing homes or other health care facilities.

**(3) ABSENCE OF ADMINISTRATOR.** A person present in and competent to supervise the facility shall be designated to be in charge whenever there is not an administrator in the facility, and shall be identified to all staff.

**(4) CHANGE OF ADMINISTRATOR.** (a) *Termination of administrator.* Except as provided in par. (b), no administrator shall be terminated unless recruitment procedures are begun immediately.

(b) *Replacement of administrator.* If it is necessary immediately to terminate an administrator, or if the licensee loses an administrator for other reasons, a replacement shall be employed or designated as soon as possible within 120 days of the vacancy.

(c) *Temporary replacement.* During any vacancy in the position of administrator, the licensee shall employ or designate a person competent to fulfill the functions of an administrator.

(d) *Notice of change of administrator.* When the licensee loses an administrator, the licensee shall notify the department within 2 working days of loss and provide written notification to the department of the name and qualifications of the person in charge of the facility during the vacancy and the name and qualifications of the replacement administrator, when known.

**Note:** See s. 50.04 (2), Stats.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**HFS 132.42 Employees. (1) DEFINITION.** In this section, "employee" means anyone directly employed by the facility on other than a consulting or contractual basis.

**(2) QUALIFICATIONS AND RESTRICTIONS.** No person under 16 years of age shall be employed to provide direct care to residents. An employee less than 18 years of age who provides direct care to residents must work under the direct supervision of a nurse.

**(3) PHYSICAL HEALTH CERTIFICATIONS.** (a) *New employees.* Every employee shall be certified in writing by a physician, physician assistant or an advanced practice nurse prescriber as having

been screened for the presence of clinically apparent communicable disease that could be transmitted to residents during the normal performance of the employee's duties. This certification shall include screening for tuberculosis within 90 days prior to employment.

(b) *Continuing employees.* Employees shall be rescreened for clinically apparent communicable disease as described in par. (a) based on the likelihood of exposure to a communicable disease, including tuberculosis. Exposure to a communicable disease may be in the facility, in the community or as a result of travel or other exposure.

(c) *Non-employees.* Persons who reside in the facility but are not residents or employees, such as relatives of the facility's owners shall be certified in writing as required in pars. (a) and (b).

**(4) DISEASE SURVEILLANCE AND CONTROL.** When an employee or prospective employee has a communicable disease that may result in the transmission of the communicable disease, he or she may not perform employment duties in the facility until the facility makes safe accommodations to prevent the transmission of the communicable disease.

**Note:** The Americans with Disabilities Act and Rehabilitation Act of 1973 prohibits the termination or non-hiring of an employee based solely on an employee having an infectious disease, illness or condition.

**(5) VOLUNTEERS.** Facilities may use volunteers provided that the volunteers receive the orientation and supervision necessary to assure resident health, safety, and welfare.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3) (a) and (4), Register, January, 1987, No. 373, eff. 2-1-87; CR 03-033: am. (3) (a), r. and recr. (4) Register December 2003 No. 576, eff. 1-1-04; **CR 04-053: am. (3) and (4) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.43 Abuse of residents. (1) CONSIDERATE CARE AND TREATMENT.** Residents shall receive considerate care and treatment at all times consistent with s. 50.09 (1) (e), Stats.

**(2) RESIDENT ABUSE.** No one may abuse a resident.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**HFS 132.44 Employee development. (1) NEW EMPLOYEES.** (a) *Orientation for all employees.* Except in an emergency, before performing any duties, each new employee, including temporary help, shall receive appropriate orientation to the facility and its policies, including, but not limited to, policies relating to fire prevention, accident prevention, and emergency procedures. All employees shall be oriented to residents' rights under s. HFS 132.31 and to their position and duties by the time they have worked 30 days.

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(b) *Assignments.* employees shall be assigned only to resident care duties consistent with their training.

**(2) CONTINUING EDUCATION.** (a) *Nursing inservice.* The facility shall require employees who provide direct care to residents to attend educational programs designed to develop and improve the skill and knowledge of the employees with respect to the needs of the facility's residents, including rehabilitative therapy, oral health care, and special programming for developmentally disabled residents if the facility admits developmentally disabled persons. These programs shall be conducted as often as is necessary to enable staff to acquire the skills and techniques necessary to implement the individual program plans for each resident under their care.

(b) *Dietary inservice.* Educational programs shall be held periodically for dietary staff, and shall include instruction in the proper handling of food, personal hygiene and grooming, and nutrition and modified diet patterns served by the facility.

**(3) MEDICATION ADMINISTRATION.** Before persons, other than

nurses and practitioners, are authorized under s. HFS 132.60 (5) (d) 1. to administer medications, they shall be trained in a course approved by the department.

**Note:** For recordkeeping requirements for all orientation and inservice programs, see s. HFS 132.45 (6) (f).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (2) (a) and am. (4), Register, January, 1987, No. 373, eff. 2-1-87; **CR 04-053: renum. (1) (c) to be (1) (b) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.45 Records. (1) GENERAL.** The administrator or administrator's designee shall provide the department with any information required to document compliance with ch. HFS 132 and ch. 50, Stats., and shall provide reasonable means for examining records and gathering the information.

**(2) PERSONNEL RECORDS.** A separate record of each employee shall be maintained, be kept current, and contain sufficient information to support assignment to the employee's current position and duties.

**(3) MEDICAL RECORDS — STAFF.** Duties relating to medical records shall be completed in a timely manner.

**(4) MEDICAL RECORDS — GENERAL. (a) Availability of records.** Medical records of current residents shall be stored in the facility and shall be easily accessible, at all times, to persons authorized to provide care and treatment. Medical records of both current and past residents shall be readily available to persons designated by statute or authorized by the resident to obtain the release of the medical records.

(b) *Organization.* The facility shall maintain a systematically organized records system appropriate to the nature and size of the facility for the collection and release of resident information.

(c) *Unit record.* A unit record shall be maintained for each resident and day care client.

(d) *Indexes.* 1. A master resident index shall be maintained.

2. A disease index shall be maintained which indexes medical records at least by final diagnosis.

(e) *Maintenance.* The facility shall safeguard medical records against loss, destruction, or unauthorized use, and shall provide adequate space and equipment to efficiently review, index, file, and promptly retrieve the medical records.

(f) *Retention and destruction.* 1. The medical record shall be completed and stored within 60 days following a resident's discharge or death.

2. An original medical record and legible copy or copies of court orders or other documents, if any, authorizing another person to speak or act on behalf of this resident shall be retained for a period of at least 5 years following a resident's discharge or death. All other records required by this chapter shall be retained for a period of at least 2 years.

3. Medical records no longer required to be retained under subd. 2. may be destroyed, provided:

a. The confidentiality of the information is maintained; and

b. The facility permanently retains at least identification of the resident, final diagnosis, physician, and dates of admission and discharge. This may be achieved by way of the indexes required by par. (d).

4. A facility shall arrange for the storage and safekeeping of records for the periods and under the conditions required by this paragraph in the event the facility closes.

5. If the ownership of a facility changes, the medical records and indexes shall remain with the facility.

(g) *Records documentation.* 1. All entries in medical records shall be legible, permanently recorded, dated, and authenticated with the name and title of the person making the entry.

2. A rubber stamp reproduction or electronic representation



of a person's signature may be used instead of a handwritten signature, if:

- a. The stamp or electronic representation is used only by the person who makes the entry; and
  - b. The facility possesses a statement signed by the person, certifying that only that person shall possess and use the stamp or electronic representation.
3. Symbols and abbreviations may be used in medical records if approved by a written facility policy which defines the symbols and abbreviations and which controls their use.

**(5) MEDICAL RECORDS — CONTENT.** Except for persons admitted for short-term care, to whom s. HFS 132.70 (7) applies, each resident's medical record shall contain:

(a) *Identification and summary sheet.*

(b) *Physician's documentation.* 1. An admission medical evaluation by a physician or physician extender, including:

- a. A summary of prior treatment;
- b. Current medical findings;
- c. Diagnoses at the time of admission to the facility;
- d. The resident's rehabilitation potential;
- e. The results of the physical examination required by s. HFS 132.52 (3); and
- f. Level of care;

2. All physician's orders including, when applicable, orders concerning:

- a. Admission to the facility as required by s. HFS 132.52 (2) (a);
- b. Medications and treatments as specified by s. HFS 132.60 (5);
- c. Diets as required by s. HFS 132.63 (4);
- d. Rehabilitative services as required by s. HFS 132.64 (2);
- e. Limitations on activities;
- f. Restraint orders as required by s. HFS 132.60 (6); and
- g. Discharge or transfer as required by s. HFS 132.53;

3. Physician progress notes following each visit as required by s. HFS 132.61 (2) (b) 6.;

4. Annual physical examination, if required; and

5. Alternate visit schedule, and justification for such alternate visits as described in s. HFS 132.61 (2) (b).

(c) *Nursing service documentation.* 1. A history and assessment of the resident's nursing needs as required by s. HFS 132.52;

2. Initial care plan as required by s. HFS 132.52 (4), and the care plan required by s. HFS 132.60 (8);

3. Nursing notes are required as follows:

- a. For residents requiring skilled care, a narrative nursing note shall be required as often as needed to document the resident's condition, but at least weekly; and
- b. For residents not requiring skilled care, a narrative nursing note shall be required as often as needed to document the resident's condition, but at least every other week;

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4. In addition to subs. 1., 2., and 3., nursing documentation describing:

- a. The general physical and mental condition of the resident, including any unusual symptoms or actions;
- b. All incidents or accidents including time, place, details of incident or accident, action taken, and follow-up care;
- c. The administration of all medications (see s. HFS 132.60 (5) (d)), the need for PRN medications and the resident's response, refusal to take medication, omission of medications, errors in the

- administration of medications, and drug reactions;
- d. Food and fluid intake, when the monitoring of intake is necessary;
- e. Any unusual occurrences of appetite or refusal or reluctance to accept diets;
- f. Summary of restorative nursing measures which are provided;
- g. Summary of the use of physical and chemical restraints as required by s. HFS 132.60 (6) (g);
- h. Other non-routine nursing care given;
- i. The condition of a resident upon discharge; and
- j. The time of death, the physician called, and the person to whom the body was released.

(d) *Social service records*. Notes regarding pertinent social data and action taken.

(e) *Activities records*. Documentation of activities programming, a summary of attendance, and quarterly progress notes.

(f) *Rehabilitative services*. 1. An evaluation of the rehabilitative needs of the resident; and

2. Progress notes detailing treatment given, evaluation, and progress.

(h) *Dental services*. Records of all dental services.

(i) *Diagnostic services*. Records of all diagnostic tests performed during the resident's stay in the facility.

(j) *Plan of care*. Plan of care required by s. HFS 132.60 (8).

(k) *Authorization or consent*. A photocopy of any court order or other document authorizing another person to speak or act on behalf of the resident and any resident consent form required under this chapter, except that if the authorization or consent form exceeds one page in length an accurate summary may be substituted in the resident record and the complete authorization or consent form shall in this case be maintained as required under sub.

(6) (i). The summary shall include:

1. The name and address of the guardian or other person having authority to speak or act on behalf of the resident;
2. The date on which the authorization or consent takes effect and the date on which it expires;
3. The express legal nature of the authorization or consent and any limitations on it; and
4. Any other factors reasonably necessary to clarify the scope and extent of the authorization or consent.

(L) *Discharge or transfer information*. Documents, prepared upon a resident's discharge or transfer from the facility, summarizing, when appropriate:

1. Current medical findings and condition;
2. Final diagnoses;
3. Rehabilitation potential;
4. A summary of the course of treatment;
5. Nursing and dietary information;
6. Ambulation status;
7. Administrative and social information; and
8. Needed continued care and instructions.

**(6) OTHER RECORDS**. The facility shall retain:

(a) *Dietary records*. All menus and therapeutic diets;

(b) *Staffing records*. Records of staff work schedules and time worked;

(c) *Safety tests*. Records of tests of fire detection, alarm, and extinguishment equipment;

(d) *Resident census*. At least a weekly census of all residents, indicating numbers of residents requiring each level of care;

(e) *Professional consultations*. Documentation of professional consultations by:

1. A dietitian, if required by s. HFS 132.63 (2) (b);
2. A registered nurse, if required by s. HFS 132.62 (2); and

3. Others, as may be used by the facility;
- (f) *Inservice and orientation programs.* Subject matter, instructors and attendance records of all inservice and orientation programs;
- (g) *Transfer agreements.* Transfer agreements, unless exempt under s. HFS 132.53 (4);
- (h) *Funds and property statement.* The statement prepared upon a resident's discharge or transfer from the facility that accounts for all funds and property held by the facility for the resident, as required under s. HFS 132.31 (1) (c) 3.; and
- (i) *Court orders and consent forms.* Copies of court orders or other documents, if any, authorizing another person to speak or act on behalf of the resident.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1) (3) (c) (5) (intro.), (b) 1. intro. and e., 2. a. and d., 3., (c) 1. and 2., (d) 1., (e), (f) 1. and (g), (6) (g), renum. (4) (a) to (e), (5) (e) and (6) (h) to be (4) (c) to (g), (5) (L) and (6) (i) and am. (5) (L), cr. (4) (a) and (b), (5) (e) and (6) (h), Register, January, 1987, No. 373, eff. 2-1-87; **CR 04-053: r. and recr. (3) and (5) (d), am. (4) (g) 2. and (5) (e), r. (5) (g) Register October 2004 No. 586, eff. 11-1-04.**

#### **HFS 132.46 Quality assessment and assurance.**

**(1) COMMITTEE MAINTENANCE AND COMPOSITION.** A facility shall maintain a quality assessment and assurance committee for the purpose of identifying and addressing quality of care issues. The committee shall be comprised of at least all of the following individuals:

- (a) The director of nursing services.
- (b) The medical director or a physician designated by the facility.
- (c) At least 3 other members of the facility's staff.

**(2) COMMITTEE RESPONSIBILITIES.** The quality assessment and assurance committee shall do all of the following:

- (a) Meet at least quarterly to identify quality of care issues with respect to which quality assessment and assurance activities are necessary.
- (b) Identify, develop and implement appropriate plans of action to correct identified quality deficiencies.

**(3) CONFIDENTIALITY.** The department may not require disclosure of the records of the quality assessment and assurance committee except to determine compliance with the requirements of this section. This paragraph does not apply to any record otherwise specified in this chapter or s. 50.04 (3), 50.07 (1) (c) or 146.82 (2) (a) 5., Stats.

**History:** CR 04-053: cr. Register October 2004 No. 586, eff. 11-1-04.

#### **Subchapter V — Admissions, Retentions and Removals**

##### **HFS 132.51 Limitations on admissions and programs.**

**(1) LICENSE LIMITATIONS.** (a) *Bed capacity.* No facility may house more residents than the maximum bed capacity for which it is licensed. Persons participating in a day care program are not residents for purposes of this chapter.

(b) *Care levels.* 1. No person who requires care greater than that which the facility is licensed to provide may be admitted to or retained in the facility.

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2. No resident whose condition changes to require care greater than that which the facility is licensed to provide shall be retained.

(c) *Other conditions.* The facility shall comply with all other conditions of the license.

**(2) OTHER LIMITATIONS ON ADMISSIONS.** (a) *Persons requiring unavailable services.* Persons who require services which the facility does not provide or make available shall not be admitted or retained.

(b) *Communicable diseases.* 1. 'Communicable disease management.'

The nursing home shall have the ability to appropriately manage persons with communicable disease the nursing home admits or retains based on currently recognized standards of practice.

2. 'Reportable diseases.' Facilities shall report suspected communicable diseases that are reportable under ch. HFS 145 to the local public health officer or to the department's bureau of communicable disease.

**Note:** For a copy of ch. HFS 145 which includes a list of the communicable diseases which must be reported, write the Bureau of Public Health, P.O. Box 309, Madison, WI 53701 (phone 608-267-9003). There is no charge for a copy of ch. HFS 145. The referenced publications, "Guideline for Isolation Precautions in Hospitals and Guideline for Infection Control in Hospital Personnel" (HHS Publication No. (CSC) 83-8314) and "Universal Precautions for Prevention of . . . Bloodborne Pathogens in Health Care Settings", may be purchased from the Superintendent of Documents, Washington D.C. 20402, and is available for review in the office of the Department's Bureau of Quality Assurance, the Office of the Secretary of State, and the Revisor of Statutes Bureau.

(c) *Abusive or destructive residents.* 1. Notwithstanding s.

HFS 132.13 (1), in this paragraph, "abusive" describes a resident whose behavior involves any single or repeated act of force, violence, harassment, deprivation or mental pressure which does or reasonably could cause physical pain or injury to another resident, or mental anguish or fear in another resident.

2. Residents who are known to be destructive of property, self-destructive, disturbing or abusive to other residents, or suicidal, shall not be admitted or retained, unless the facility has and uses sufficient resources to appropriately manage and care for them.

(d) *Developmental disabilities.* 1. No person who has a developmental disability may be admitted to a facility unless the facility is certified as an intermediate care facility for the mentally retarded, except that a person who has a developmental disability and who requires skilled nursing care services may be admitted to a skilled nursing facility.

2. Except in an emergency, no person who has a developmental disability may be admitted to a facility unless the county department under s. 46.23, 51.42, or 51.437, Stats., of the individual's county of residence has recommended the admission.

(e) *Mental illness.* Except in an emergency, no person who is under age 65 and has a mental illness as defined in s. 51.01 (13), Stats., may be admitted to a facility unless the county department under s. 46.23, 51.42 or 51.437, Stats., of the individual's county of residence has recommended the admission.

(f) *Minors.* 1. No person under the age of 18 years may be admitted, unless approved for admission by the department.

2. Requests for approval to admit a person under the age of 18 years shall be made in writing and shall include:

- a. A statement from the referring physician stating the medical, nursing, rehabilitation, and special services required by the minor;
- b. A statement from the administrator certifying that the required services can be provided;
- c. A statement from the attending physician certifying that the physician will be providing medical care; and
- d. A statement from the persons or agencies assuming financial responsibility.

(g) *Admissions 7 days a week.* No facility may refuse to admit new residents solely because of the day of the week.

**(3) DAY CARE SERVICES.** A facility may provide day care services to persons not housed by the facility, provided that:

- (a) Day care services do not interfere with the services for residents;
- (b) Each day care client is served upon the certification by a

physician or physician's assistant that the client is free from tuberculosis infection; and

(c) Provision is made to enable day care clients to rest. Beds need not be provided for this purpose, and beds assigned to residents may not be provided for this purpose.

**Note:** For administration of medications to day care clients, see s. HFS 132.60 (5) (d) 6.; for required records, see s. HFS 132.45 (4) (c).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; emerg. r. and recr. (2) (d) and (3), eff. 9-15-86; r. and recr. (2) (d) am. (1) (b) 1., (2) (e) 1. and 2. intro., (3) (a) and (b), (4) (c), Register, January, 1987, No. 373, eff. 2-1-87; am. (2) (b) 2. and 3. (d) 2., r. (2) (d) 3. and (3), renum. (2) (e), (f) and (4) to be (2) (f), (g) and (3), cr. (2) (e), Register, February, 1989, No. 398, eff. 3-1-89; correction in (2) (b) 3. made under s. 13.93 (2m) (b) 7., Stats., Register, August, 2000, No. 536; CR 03-033: r. and recr. (2) (b) 1. Register December 2003 No. 576, eff. 1-1-04; **CR 04-053: r. and recr. (2) (b) and am. (2) (c) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.52 Procedures for admission. (1) APPLICABILITY.**

The procedures in this section apply to all persons admitted to facilities except persons admitted for short-term care. Section HFS 132.70 (2) applies to persons admitted for short-term care.

**(2) PHYSICIAN'S ORDERS.** No person may be admitted as a resident except upon:

(a) Order of a physician;

(b) Receipt of information from a physician, before or on the day of admission, about the person's current medical condition and diagnosis, and receipt of a physician's initial plan of care and orders from a physician for immediate care of the resident; and

(c) Receipt of certification in writing from a physician, physician assistant or advanced practice nurse prescriber that the individual has been screened for the presence of clinically apparent communicable disease that could be transmitted to other residents or employees, including screening for tuberculosis within 90 days prior to admission, or a physician, physician assistant or advanced practice nurse prescriber has ordered procedures to treat and limit the spread of any communicable diseases the individual may be found to have.

**(3) MEDICAL EXAMINATION AND EVALUATION.** (a) *Examination.*

Each resident shall have a physical examination by a physician or physician extender within 48 hours following admission unless an examination was performed within 15 days before admission.

(b) *Evaluation.* Within 48 hours after admission the physician or physician extender shall complete the resident's medical history and physical examination record.

**Note:** For admission of residents with communicable disease, see s. HFS 132.51 (2) (b).

**(4) INITIAL CARE PLAN.** Upon admission, a plan of care for nursing services based on an initial assessment shall be prepared and implemented, pending development of the plan of care required by s. HFS 132.60 (8).

**Note:** For care planning requirements, see s. HFS 132.60 (8).

**(7) FAMILY CARE INFORMATION AND REFERRAL.** If the secretary of the department has certified that a resource center, as defined in s. HFS 10.13 (42), is available for the facility under s. HFS 10.71, the facility shall provide information to prospective residents and refer residents and prospective residents to the aging and disability resource center as required under s. 50.04 (2g) to (2i), Stats., and s. HFS 10.73.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; renum. (1) to (5) to be (2) to (6) and am. (2) and (3), cr. (1), Register, January, 1987, No. 373, eff. 2-1-87; cr. (7), Register, October, 2000, No. 538, eff. 11-1-00; CR 03-033: am. (2) (c) Register December 2003 No. 576, eff. 1-1-04; **CR 04-053: am. (2) (c) and (4) and r. (5) and (6) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.53 Transfers and discharges. (1) SCOPE.**

This section shall apply to all resident transfers and discharges, except that in the event of conflict with s. 49.45 (6c) (c) and (d),

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49.498 (4) or 50.03 (5m) or (14), Stats., the relevant statutory requirement shall apply.

**(2) CONDITIONS.** (a) *Prohibition and exceptions.* No resident may be discharged or transferred from a facility, except:

1. Upon the request or with the informed consent of the resident or guardian;
2. For nonpayment of charges, following reasonable opportunity to pay any deficiency;
3. If the resident requires care other than that which the facility is licensed to provide;
4. If the resident requires care which the facility does not provide and is not required to provide under this chapter;
5. For medical reasons as ordered by a physician;
6. In case of a medical emergency or disaster;
7. If the health, safety or welfare of the resident or other residents is endangered, as documented in the resident's clinical record;
8. If the resident does not need nursing home care;
9. If the short-term care period for which the resident was admitted has expired; or
10. As otherwise permitted by law.

(b) *Alternate placement.* 1. Except for transfers or discharges under par. (a) 2. and 6., no resident may be involuntarily transferred or discharged unless an alternative placement is arranged for the resident pursuant to s. HFS 132.31 (1) (j).

2. No resident may be involuntarily transferred or discharged under par. (a) 2. for nonpayment of charges if the resident meets both of the following conditions:

- a. He or she is in need of ongoing care and treatment and has not been accepted for ongoing care and treatment by another facility or through community support services; and
- b. The funding of the resident's care in the nursing home under s. 49.45 (6m), Stats., is reduced or terminated because either the resident requires a level or type of care which is not provided by the nursing home or the nursing home is found to be an institution for mental diseases as defined under 42 CFR 435.1009.

**(3) PROCEDURES.** (a) *Notice.* The facility shall provide a resident, the resident's physician and, if known, an immediate family member or legal counsel, guardian, relative or other responsible person at least 30 days notice of transfer or discharge under sub. (2) (a) 2. to 10., and the reasons for the transfer or discharge, unless the continued presence of the resident endangers the health, safety or welfare of the resident or other residents. The notice shall also contain the name, address and telephone number of the board on aging and long-term care. For a resident with developmental disability or mental illness, the notice shall contain the mailing address and telephone number of the protection and advocacy agency designated under s. 51.62 (2) (a), Stats.

(b) *Planning conference.* 1. Unless circumstances posing a danger to the health, safety or welfare of a resident require otherwise, at least 7 days before the planning conference required by subd. 2., the resident, guardian, if any, any appropriate county agency, and others designated by the resident, including the resident's physician, shall be given a notice containing the time and place of the conference, a statement informing the resident that any persons of the resident's choice may attend the conference, and the procedure for submitting a complaint to the department.

2. Unless the resident is receiving respite care or unless precluded by circumstances posing a danger to the health, safety, or welfare of a resident, prior to any involuntary transfer or discharge

under sub. (2) (a) 2. to 10., a planning conference shall be held at least 14 days before transfer or discharge with the resident, guardian, if any, any appropriate county agency, and others designated by the resident, including the resident's physician, to review the need for relocation, assess the effect of relocation on the resident, discuss alternative placements and develop a relocation plan which includes at least those activities listed in subd. 3.

3. Transfer and discharge activities shall include:

- a. Counseling regarding the impending transfer or discharge;
- b. The opportunity for the resident to make at least one visit to the potential alternative placement, if any, including a meeting with that facility's admissions staff, unless medically contraindicated or waived by the resident;
- c. Assistance in moving the resident and the resident's belongings and funds to the new facility or quarters; and
- d. Provisions for needed medications and treatments during relocation.

4. A resident who is transferred or discharged at the resident's request shall be advised of the assistance required by subd. 3. and shall be provided with that assistance upon request.

(c) *Records.* Upon transfer or discharge of a resident, the documents required by s. HFS 132.45 (5) (L) and (6) (h) shall be prepared and provided to the facility admitting the resident, along with any other information about the resident needed by the admitting facility.

**(4) TRANSFER AGREEMENTS.** (a) *Requirement.* Each facility shall have in effect a transfer agreement with one or more hospitals under which inpatient hospital care or other hospital services are available promptly to the facility's residents when needed. Each intermediate care facility shall also have in effect a transfer agreement with one or more skilled care facilities.

(b) *Transfer of residents.* A hospital and a facility shall be considered to have a transfer agreement in effect if there is a written agreement between them or, when the 2 institutions are under common control, if there is a written statement by the person or body which controls them, which gives reasonable assurance that:

1. Transfer of residents will take place between the hospital and the facility ensuring timely admission, whenever such transfer is medically appropriate as determined by the attending physician; and
2. There shall be interchange of medical and other information necessary for the care and treatment of individuals transferred between the institutions, or for determining whether such individuals can be adequately cared for somewhere other than in either of the institutions.

(c) *Exemption.* A facility which does not have a resident transfer agreement in effect, but which is found by the department to have attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of residents and the information referred to in par. (b) 2., shall be considered to have such an agreement in effect if and for so long as the department finds that to do so is in the public interest and essential to ensuring skilled nursing facility services in the community.

(d) *Notice requirements.* 1. Before a resident of a facility is transferred to a hospital or for therapeutic leave, the facility shall provide written information to the resident and an immediate family member or legal counsel concerning the provisions of the approved state medicaid plan about the period of time, if any, during which the resident is permitted to return and resume residence in the nursing facility.

2. At the time of a resident's transfer to a hospital or for therapeutic

leave, the facility shall provide written notice to the resident and an immediate family member or legal counsel of the duration of the period, if any, specified under subd. 1.

**Note:** The “approved state medicaid plan” referred to s. 49.498 (4) (d) 1a, Stats., and subd. 1. states that the department shall have a bedhold policy. The bedhold policy is found in s. HFS 107.09 (4) (j).

**(5) BEDHOLD.** (a) *Bedhold.* A resident who is on leave or temporarily discharged, as to a hospital for surgery or treatment, and has expressed an intention to return to the facility under the terms of the admission statement for bedhold, shall not be denied readmission unless, at the time readmission is requested, a condition of sub. (2) (b) has been satisfied.

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mission unless, at the time readmission is requested, a condition of sub. (2) (b) has been satisfied.

(b) *Limitation.* The facility shall hold a resident’s bed under par. (a) until the resident returns, until the resident waives his or her right to have the bed held, or up to 15 days following the temporary leave or discharge, whichever is earlier.

**Note:** See s. HFS 107.09 (4) (j) for medical assistance bedhold rules.

**(6) APPEALS ON TRANSFERS AND DISCHARGES.** (a) *Right to appeal.* 1. A resident may appeal an involuntary transfer or discharge decision.

2. Every facility shall post in a prominent place a notice that a resident has a right to appeal a transfer or discharge decision. The notice shall explain how to appeal that decision and shall contain the address and telephone number of the nearest bureau of quality assurance regional office. The notice shall also contain the name, address and telephone number of the state board on aging and long-term care or, if the resident is developmentally disabled or has a mental illness, the mailing address and telephone number of the protection and advocacy agency designated under s. 51.62 (2) (a), Stats.

3. A copy of the notice of a resident’s right to appeal a transfer or discharge decision shall be placed in each resident’s admission folder.

4. Every notice of transfer or discharge under sub. (3) (a) to a resident, relative, guardian or other responsible party shall include a notice of the resident’s right to appeal that decision.

(b) *Appeal procedures.* 1. If a resident wishes to appeal a transfer or discharge decision, the resident shall send a letter to the nearest regional office of the department’s bureau of quality assurance within 7 days after receiving a notice of transfer or discharge from the facility, with a copy to the facility administrator, asking for a review of the decision.

2. The resident’s written appeal shall indicate why the transfer or discharge should not take place.

3. Within 5 days after receiving a copy of the resident’s written appeal, the facility shall provide written justification to the department’s bureau of quality assurance for the transfer or discharge of the resident from the facility.

4. If the resident files a written appeal within 7 days after receiving notice of transfer or of discharge from the facility, the resident may not be transferred or discharged from the facility until the department’s bureau of quality assurance has completed its review of the decision and notified both the resident and the facility of its decision.

5. The department’s bureau of quality assurance shall complete its review of the facility’s decision and notify both the resident and the facility in writing of its decision within 14 days after receiving written justification for the transfer or discharge of the resident from the facility.

6. A resident or a facility may appeal the decision of the



department's bureau of quality assurance in writing to the department of administration's division of hearings and appeals within 5 days after receipt of the decision.

**Note:** The mailing address of the Division of Hearings and Appeals is P.O. Box 7875, Madison, Wisconsin 53707.

7. The appeal procedures in this paragraph do not apply if the continued presence of the resident poses a danger to the health, safety or welfare of the resident or other residents.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; cr. (2) (b) 8. and 9., am. (2) (c), (3) (b) 2. and (c), Register, January, 1987, No. 373, eff. 2-1-87; renum. (2) (c) to be (2) (c) 1. and am., cr. (2) (c) 2., Register, February, 1989, No. 398, eff. 3-1-89; am. (2) (c) 2. b., Register, October, 1989, No. 406, eff. 11-1-89; r. and recr. (1) to (3), cr. (4) (d) and (6), Register, June, 1991, No. 426, eff. 7-1-91.

**HFS 132.54 Transfer within the facility.** Prior to any transfer of a resident between rooms or beds within a facility, the resident or guardian, if any, and any other person designated by the resident shall be given reasonable notice and an explanation of the reasons for transfer. Transfer of a resident between rooms or beds within a facility may be made only for medical reasons or for the resident's welfare or the welfare of other residents or as permitted under s. HFS 132.31 (1) (p) 1.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. Register, January, 1987, No. 373, eff. 2-1-87.

## **Subchapter VI — Services**

### **HFS 132.60 Resident care. (1) INDIVIDUAL CARE.**

Unless it is in conflict with the plan of care, each resident shall receive care based upon individual needs.

- (a) *Hygiene.* 1. Each resident shall be kept comfortably clean and well-groomed.
2. Beds shall be made daily, with a complete change of linen to be provided as often as necessary, but at least once each week.
3. Residents shall have clean clothing as needed to present a neat appearance and to be free of odors. Residents who are not bedfast shall be dressed each day, in their own clothing if available, as appropriate to their activities, preferences, and comforts.
- (b) *Decubiti prevention.* Nursing personnel shall employ appropriate nursing management techniques to promote the maintenance of skin integrity and to prevent development of decubiti (bedsores). These techniques may include periodic position change, massage therapy and regular monitoring of skin integrity.
- (c) *Basic nursing care.* 1. Nursing care initiated in the hospital shall be continued immediately upon admission to the nursing home unless ordered otherwise by the admitting physician.
2. Nursing personnel shall provide care designed to maintain current functioning and to improve the resident's ability to carry out activities of daily living, including assistance with maintaining good body alignment and proper positioning to prevent deformities.
3. Each resident shall be encouraged to be up and out of bed as much as possible, unless otherwise ordered by a physician.
4. Any significant changes in the condition of any resident shall be reported to the nurse in charge or on call, who shall take appropriate action including the notice provided for in sub. (3).
5. The nursing home shall provide appropriate assessment and treatment of pain for each resident suspected of or experiencing pain based on accepted standards of practice that includes all of the following:
  - a. An initial assessment of pain intensity that shall include: the resident's self-report of pain, unless the resident is unable to communicate; quality and characteristics of the pain, including the onset, duration and location of pain; what measures increase or decrease the pain; the resident's pain relief goal; and the effect of the pain on the resident's daily life and functioning.
  - b. Regular and periodic reassessment of the pain after the initial assessment, including quarterly reviews, whenever the resident's

medical condition changes, and at any time pain is suspected, including prompt reassessment when a change in pain is self-reported, suspected or observed.

c. The delivery and evaluation of pain treatment interventions to assist the resident to be as free of pain as possible.

d. Consideration and implementation, as appropriate, of nonpharmacological interventions to control pain.

(d) *Rehabilitative measures.* Residents shall be assisted in carrying out rehabilitative measures initiated by a rehabilitative therapist or ordered by a physician, including assistance with adjusting to any disabilities and using any prosthetic devices.

(e) *Tuberculosis retesting.* Residents shall be retested for tuberculosis infection based on the prevalence of tuberculosis in the community and the likelihood of exposure to tuberculosis in the facility.

**Note:** See s. HFS 132.60 (5) (a) 1. for treatments and orders.

**(2) NOURISHMENT.** (a) *Diets.* Residents shall be served diets as prescribed.

(b) *Adaptive devices.* Adaptive self-help devices, including dentures if available, shall be provided to residents, and residents

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shall be trained in their use to contribute to independence in eating.

(c) *Assistance.* Residents who require assistance with food or fluid intake shall be helped as necessary.

(d) *Food and fluid intake and diet acceptance.* A resident's food and fluid intake and acceptance of diet shall be observed, and significant deviations from normal eating patterns shall be reported to the nurse and either the resident's physician or dietitian as appropriate.

**Note:** For other dietary requirements, see s. HFS 132.63.

**(3) NOTIFICATION OF CHANGES IN CONDITION OR STATUS OF RESIDENT.**

(a) *Changes in condition.* A resident's physician, guardian, if any, and any other responsible person designated in writing by the resident or guardian to be notified shall be notified promptly of any significant accident, injury, or adverse change in the resident's condition.

(b) *Changes in status.* A resident's guardian and any other person designated in writing by the resident or guardian shall be notified promptly of any significant non-medical change in the resident's status, including financial situation, any plan to discharge the resident, or any plan to transfer the resident within the facility or to another facility.

**Note:** For responses to changes in medical condition, see s. HFS 132.60 (1) (c) 4; for records, see s. HFS 132.45 (5) (c) 4.

**(4) EMERGENCIES.** In case of a medical emergency, the facility shall provide or arrange for appropriate emergency services.

**(5) TREATMENT AND ORDERS.** (a) *Orders.* 1. 'Restriction.' Medications, treatments and rehabilitative therapies shall be administered as ordered by an authorized prescriber subject to the resident's right to refuse them. No medication, treatment or changes in medication or treatment may be administered to a resident without an authorized prescriber's written order which shall be filed in the resident's clinical record.

2. 'Oral orders.' Oral orders shall be immediately written, signed and dated by the nurse, pharmacist or therapist on the prescriber's order sheet, and shall be countersigned by the prescriber and filed in the resident's clinical record within 10 days of the order.

4. 'Review of medications.' Each resident's medication shall be reviewed by a registered nurse at the time of the review of the plan of care.

(b) *Stop orders.* 1. ‘Compliance with stop order policies.’ Medications not specifically limited as to time or number of doses when ordered shall be automatically stopped in accordance with the stop order policy required by s. HFS 132.65.

2. ‘Notice to physicians or dentists.’ Each resident’s attending physician or dentist shall be notified of stop order policies and contacted promptly for renewal of orders which are subject to automatic termination.

(d) *Administration of medications.* 1. ‘Personnel who may administer medications.’ In a nursing home, medication may be administered only by a nurse, a practitioner, as defined in s. 450.01 (17), Stats., or a person who has completed training in a drug administration course approved by the department.

2. ‘Responsibility for administration.’ Policies and procedures designed to provide safe and accurate acquisition, receipt, dispensing and administration of medications shall be developed by the facility and shall be followed by personnel assigned to prepare and administer medications and to record their administration. The same person shall prepare, administer, and immediately record in the resident’s clinical record the administration of medications, except when a single unit dose package distribution system is used.

3. ‘Omitted doses in unit dose system.’ If, for any reason, a medication is not administered as ordered in a unit dose system, an “unadministered dose slip” with an explanation of the omission shall be placed in the resident’s medication container and a notation shall be made in the clinical record.

4. ‘Self-administration.’ Self-administration of medications by residents shall be permitted on order of the resident’s physician or dentist or in a predischarge program under the supervision of a registered nurse or designee.

5. ‘Errors and reactions.’ Medication errors and suspected or apparent drug reactions shall be reported to the nurse in charge or on call as soon as discovered and an entry made in the resident’s clinical record. The nurse shall take appropriate action.

6. ‘Day care.’ The handling and administration of medications for day care clients shall comply with the requirements of this subsection.

(e) *Reference sources.* Up-to-date medication reference texts and sources of information shall be available to the nurse in charge or on call.

**Note:** See s. HFS 132.65, pharmaceutical services, for additional requirements.

**(6) PHYSICAL AND CHEMICAL RESTRAINTS.** (a) *Definitions.* As used in this subsection, the following definitions apply:

1. “Physical restraint” means any article, device or garment used primarily to modify resident behavior by interfering with the free movement of the resident or normal functioning of a portion of the body, and which the resident is unable to remove easily, or confinement in a locked room, but does not include a mechanical support.

**Note:** For rules governing locked units, see s. HFS 132.33.

2. “Mechanical support” means any article, device, or garment which is used only to achieve the proper position or balance of the resident, which may include but is not limited to a geri chair, posey belt, jacket, or a bedside rail.

3. “Chemical restraint” means a medication used primarily to modify behavior by interfering with the resident’s freedom of movement or mental alertness.

(b) *Orders required.* Physical or chemical restraints shall be applied or administered only on the written order of a physician which shall indicate the resident’s name, the reason for restraint, and the period during which the restraint is to be applied. The use of restraints shall be consistent with the provisions under s. HFS

132.31 (1) (k).

(c) *Emergencies*. A physical restraint may be applied temporarily without an order if necessary to protect the resident or another person from injury or to prevent physical harm to the resident or another person resulting from the destruction of property, provided that the physician is notified immediately and authorization for continued use is obtained from the physician within 12 hours.

(d) *Restriction*. If the mobility of a resident is required to be restrained and can be appropriately restrained either by a physical or chemical restraint or by a locked unit, the provisions of s. HFS 132.33 shall apply.

(e) *Type of restraints*. Physical restraints shall be of a type which can be removed promptly in an emergency, and shall be the least restrictive type appropriate to the resident.

(f) *Periodic care*. Nursing personnel shall check a physically restrained resident as necessary, but at least every 2 hours, to see that the resident's personal needs are met and to change the resident's position.

(g) *Records*. Any use of restraints shall be noted, dated, and signed in the resident's clinical record on each tour of duty during which the restraints are in use.

**Note:** See s. HFS 132.45 (5) (c) 4. g., records.

**(7) USE OF OXYGEN.** (a) *Orders for oxygen*. Except in an emergency, oxygen shall be administered only on order of a physician.

(b) *Person administering*. Oxygen shall be administered to residents only by a capable person trained in its administration and use.

(c) *Signs*. "No smoking" signs shall be posted in the room and at the entrance of the room in which oxygen is in use.

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(d) *Flammable goods*. Prior to administering oxygen, all matches and other smoking material shall be removed from the room.

**(8) RESIDENT CARE PLANNING.** (a) *Development and content of care plans*. Except in the case of a person admitted for short-term care, within 4 weeks following admission a written care plan shall be developed, based on the resident's history and assessments from all appropriate disciplines and the physician's evaluation and orders, as required by s. HFS 132.52, which shall include:

1. Realistic goals, with specific time limits for attainment; and
2. The methods for delivering needed care, and indication of which professional disciplines are responsible for delivering the care.

**Note:** For requirements upon admission, see s. HFS 132.52. For requirements for short-term care residents, see s. HFS 132.70 (2).

(b) *Evaluations and updates*. The care of each resident shall be reviewed by each of the services involved in the resident's care and the care plan evaluated and updated as needed.

**Note:** For concurrent review of medications, see sub. (5) (a) 4.

(c) *Implementation*. The care plans shall be substantially followed.

(d) *Assessment instrument*. A resident's care plan shall be developed based on the facility's assessment required under s. 49.498 (2) (c), Stats., of the resident. The assessment shall be conducted by the facility using a form approved by the department which is based on a minimum data set specified under 42 USC 1395i-3 (f) (6) (A). The form shall cover resident identifying information; background information about the resident, including current payment sources, responsible party if not the resident, and any advance directives; the resident's diagnosis, condition and body control, cognitive patterns, hearing, vision, dental status,

need for help to perform activities of daily living, continence, recent use of appliances, devices or programs, potential for rehabilitation, skin condition, psychological well-being, mood and behavior patterns, activities, medications use, and any special treatment or procedures the person is receiving such as chemotherapy.

**Note:** For copies of the resident assessment form, write to the Bureau of Quality Assurance, P.O. Box 309, Madison, WI 53701.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (5) (d) 1., Register, February, 1983, No. 326, eff. 3-1-83; am. (1) (d), (2) (d), (3) (5) (a) 1. to 3., (6) (c) and (8) (a), r. and recr. (1) (b) and (6) (f), Register, January, 1987, No. 373, eff. 2-1-87; am. (6) (a) 1. Register, February, 1989, No. 398, eff. 3-1-89; cr. (8) (d), Register, November, 1990, No. 419, eff. 12-1-90; correction in (5) (d) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 2000, No. 536; **CR 04-053: cr. (1) (c) 5., am. (5) (a) 1. and 2., (5) (d) 2., and (6) (b), r. (5) (a) 3. and (c) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.61 Medical services. (1) MEDICAL DIRECTION**

IN SKILLED CARE FACILITIES. (a) *Medical director.* Every skilled care facility shall retain, pursuant to a written agreement, a physician to serve as medical director on a part-time or full-time basis as is appropriate for the needs of the residents and the facility. If the facility has an organized medical staff, the medical director shall be designated by the medical staff with approval of the licensee.

(b) *Coordination of medical care.* Medical direction and coordination of medical care in the facility shall be provided by the medical director. The medical director shall develop written rules and regulations which shall be approved by the licensee and include delineation of the responsibilities of attending physicians. If there is an organized medical staff, by-laws also shall be developed by the medical director and approved by the licensee. Coordination of medical care shall include liaison with attending physicians to provide that physicians' orders are written promptly upon admission of a resident, that periodic evaluations of the adequacy and appropriateness of health professional and supportive staff and services are conducted, and that the medical needs of the residents are met.

(c) *Responsibilities to the facility.* The medical director shall monitor the health status of the facility's employees. Incidents and accidents that occur on the premises shall be reviewed by the medical director to identify hazards to health and safety.

**(2) PHYSICIAN SERVICES IN ALL FACILITIES.** The facility shall assure that the following services are provided:

(a) *Attending physicians.* Each resident shall be under the supervision of a physician of the resident's or guardian's choice who evaluates and monitors the resident's immediate and long-term needs and prescribes measures necessary for the health, safety, and welfare of the resident. Each attending physician shall make arrangements for the medical care of a physician's residents in the physician's absence.

**Note:** For medical examinations and assessments required for admission, see s. HFS 132.52.

(b) *Physicians' visits.* 1. Each resident who requires skilled nursing care shall be seen by a physician at least every 30 days, unless the physician specifies and justifies in writing an alternate schedule of visits.

2. Each resident who does not require skilled nursing care shall be seen by a physician at least every 90 days, unless the physician specifies and justifies in writing an alternate schedule of visits.

3. In no case may a physician's alternate schedule specify fewer than one visit annually.

4. The physician shall review the plan of care required under s. HFS 132.52 (2) (b) at the time of each visit.

5. The physician shall review the resident's medications and other orders at least at the time of each visit.

**Note:** For review by a registered nurse, see s. HFS 132.60 (5) (a) 4.

6. The physician shall write, date and sign a note on the resident's progress at the time of each visit.

7. Physician visits are not required for respite care residents except as provided under s. HFS 132.70 (5).

(c) *Availability of physicians for emergency patient care.* The facility shall have written procedures, available at each nurse's station, for procuring a physician to furnish necessary medical care in emergencies and for providing care pending arrival of a physician. The names and telephone numbers of the physicians or medical service personnel available for emergency calls shall be posted at each nursing station.

**Note:** For reporting requirements, see s. HFS 132.45 (5) (c) 4; for requirements to notify others, see s. HFS 132.60 (3) (a).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (2) (b), Register, January, 1987, No. 373, eff. 2-1-87; correction in (2) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1996, No. 492.

**HFS 132.62 Nursing services. (1) DEFINITIONS. (a)**

"Nursing personnel" means nurses, nurse aides, nursing assistants, and orderlies.

(b) "Ward clerk" means an employee who performs clerical duties of the nursing personnel.

**(2) NURSING ADMINISTRATION. (a) Director of nursing services in skilled care and intermediate care facilities.**

1. 'Staffing requirement.' Every skilled care facility and every intermediate care facility shall employ a full-time director of nursing services who may also serve as a charge nurse in accordance with par. (b).

2. 'Qualifications.' The director of nursing services shall:

- a. Be a registered nurse; and
- b. Be trained or experienced in areas such as nursing service administration, restorative nursing, psychiatric nursing, or geriatric nursing.

3. 'Duties.' The director of nursing services shall be responsible for:

- a. Supervising the functions, activities and training of the nursing personnel;
- b. Developing and maintaining standard nursing practice, nursing policy and procedure manuals, and written job descriptions for each level of nursing personnel;
- c. Coordinating nursing services with other resident services;

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- d. Designating the charge nurses provided for by this section;
- e. Being on call at all times, or designating another registered nurse to be on call, when no registered nurse is on duty in the facility; and

f. Ensuring that the duties of nursing personnel shall be clearly defined and assigned to staff members consistent with the level of education, preparation, experience, and licensing of each.

(b) *Charge nurses in skilled care facilities and intermediate care facilities.* 1. 'Staffing requirement.' A skilled nursing facility shall have at least one charge nurse on duty at all times, and:

- a. A facility with fewer than 60 residents in need of skilled nursing care shall have at least one registered nurse, who may be the director of nursing services, on duty as charge nurse during every daytime tour of duty;
- b. A facility with 60 to 74 residents in need of skilled nursing care shall, in addition to the director of nursing services, have at least one registered nurse on duty as charge nurse during every daytime tour of duty;
- c. A facility with 75 to 99 residents in need of skilled nursing care shall have, in addition to the director of nursing services, at least one registered nurse on duty as charge nurse during every

daytime tour of duty. In addition, the facility shall have at least one registered nurse on duty as charge nurse every day on at least one other non-daytime tour of duty.

d. A facility with 100 or more residents in need of skilled nursing care shall have, in addition to the director of nursing services, at least one registered nurse on duty as charge nurse at all times.

e. An intermediate care facility shall have a charge nurse during every daytime tour of duty, who may be the director of nursing.

2. 'Qualifications.' Unless otherwise required under this paragraph, the charge nurses shall be registered nurses or licensed practical nurses, and shall have had specialized training, or be acquiring specialized training, or have had experience in areas such as nursing service administration, restorative nursing, psychiatric nursing, or geriatric nursing.

3. 'Duties.' a. The charge nurse, if a registered nurse, shall supervise the nursing care of all assigned residents, and delegate the duty to provide for the direct care of specific residents, including administration of medications, to nursing personnel based upon individual resident needs, the facility's physical arrangement, and the staff capability.

b. The charge nurse, if a licensed practical nurse, shall manage and direct the nursing and other activities of other licensed practical nurses and less skilled assistants and shall arrange for the provision of direct care to specific residents, including administration of medications, by nursing personnel based upon individual resident needs, the facility's physical arrangement, and the staff capability. A licensed practical nurse who serves as a charge nurse shall be under the supervision and direction of a registered nurse who is either in the facility or on call.

(c) *Nurses in intermediate care facilities.* 1. An intermediate care facility with fewer than 60 residents shall have at least one registered nurse or one licensed practical nurse on duty during every daytime tour of duty. The registered nurse may be the director of nursing services in accordance with par. (a).

2. An intermediate care facility with 60 or more residents shall have at least one registered nurse on duty during every daytime tour of duty. The registered nurse may be the director of nursing services in accordance with par. (a).

**(3) NURSE STAFFING.** In addition to the requirements of sub. (2), the following conditions shall be met:

(a) *Total staffing.* Each nursing home, other than nursing homes that primarily serve people with developmental disabilities, shall provide at least the following hours of service by registered nurses, licensed practical nurses or nurse's assistants:

1. For each resident in need of intensive skilled nursing care, 3.25 hours per day, of which a minimum of 0.65 hour shall be provided by a registered nurse or licensed practical nurse.

2. For each resident in need of skilled nursing care, 2.5 hours per day, of which a minimum of 0.5 hour shall be provided by a registered nurse or licensed practical nurse.

3. For each resident in need of intermediate or limited nursing care, 2.0 hours per day, of which a minimum of 0.4 hour shall be provided by a registered nurse or licensed practical nurse.

(b) *Assignments.* There shall be adequate nursing service personnel assigned to care for the specific needs of each resident on each tour of duty. Those personnel shall be briefed on the condition and appropriate care of each resident.

(c) *Relief personnel.* Facilities shall obtain qualified relief personnel.

(d) *Records; weekly schedules.* Weekly time schedules shall be planned at least one week in advance, shall be posted and dated, shall indicate the names and classifications of nursing personnel

and relief personnel assigned on each nursing unit for each tour of duty, and shall be updated as changes occur.

**Note:** See s. HFS 132.45 (6) (b) for records.

(e) *Staff meetings.* Meetings shall be held at least quarterly for the nursing personnel to brief them on new developments, raise issues relevant to the service, and for such other purposes as are pertinent. These meetings may be held in conjunction with those required by s. HFS 132.44.

(f) *Twenty-four hour coverage.* All facilities shall have at least one nursing staff person on duty at all times.

(g) *Staffing patterns.* The assignment of the nursing personnel required by this subsection to each tour of duty shall be consistent with the needs of the residents in the facility.

(h) *Computing hours.* 1. Only staff time related to the nursing service shall be counted to satisfy the requirements of this section.

2. When determining staff time to count toward satisfaction of the minimum nursing service hours in this section, the following duties of non-nursing personnel, including ward clerks, may be included:

- a. Direct resident care, if the personnel have been appropriately trained to perform direct resident care duties;
- b. Routine completion of medical records and census reports, including copying, transcribing, and filing;
- c. Processing requests for diagnostic and consultative services, and arranging appointments with professional services;
- d. Ordering routine diets and nourishments; and
- e. Notifying staff and services of pending discharges.

3. No services provided by volunteers may be counted toward satisfaction of this requirement.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (2) (b) 2. and (c), r. (2) (d), Register, January, 1987, No. 373, eff. 2-1-87; am. (3) (a), Register, February, 1989, No. 398, eff. 3-1-89; **CR 04-053: am. (2) (a) 1. and r. and recr. (3) (a) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.63 Dietary service. (1) DIETARY SERVICE.** The facility shall provide each resident a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

**(2) STAFF.** (a) *Dietitian.* The nursing home shall employ or retain on a consultant basis a dietitian to plan, direct and ensure implementation of dietary service functions.

(b) *Director of food services.* 1. The nursing home shall designate a person to serve as the director of food services. A qualified director of food services is a person responsible for implementation of dietary service functions in the nursing home and who meets any of the following requirements:

- a. Is a dietitian.

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- b. Has completed at least a course of study in food service management approved by the dietary managers association or an equivalent program.

- c. Holds an associate degree as a dietetic technician from a program approved by the American dietetics association.

2. If the director of food services is not a dietitian, the director of food services shall consult with a qualified dietitian on a frequent and regularly scheduled basis.

(c) *Staffing.* The nursing home shall employ a sufficient number of dietary personnel competent to carry out the functions of the dietary service.

**(3) HYGIENE OF STAFF.** Dietary staff and other personnel who participate in dietary service shall be in good health and practice hygienic food handling techniques.

**Note:** For inservice training requirements, see s. HFS 132.44 (2) (b).



- (4) MENUS.** (a) *General.* 1. Menus shall be planned and written at least 2 weeks in advance of their use, and shall be adjusted for seasonal availability of foods.
2. Menus shall be in accordance with physicians' orders and, to the extent medically possible, in accordance with the "recommended daily dietary allowances," of the food and nutrition board of the national research council, national academy of sciences as contained in Appendix A of this chapter.
3. Food sufficient to meet the needs of each resident shall be planned, prepared and served for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value.
4. The facility shall make reasonable adjustments to accommodate each resident's preferences, habits, customs, appetite, and physical condition.
5. A file of tested recipes shall be maintained.
6. A variety of protein foods, fruits, vegetables, dairy products, breads, and cereals shall be provided.

- (b) *Therapeutic diets.* 1. Therapeutic diets shall be served only on order of the physician, and shall be consistent with such orders.
2. Therapeutic menus shall be planned as provided in par. (a) 1., with supervision or consultation from a qualified dietitian.
3. Vitamin and mineral supplements shall be given only on order of the physician.

**(5) MEAL SERVICE.** (a) *Schedule.* At least 3 meals or their equivalent shall be offered to each resident daily, not more than 6 hours apart, with not more than a 15-hour span between a substantial evening meal and the following breakfast.

(b) *Identification of trays.* Trays, if used, shall be identified with the resident's name and type of diet.

(c) *Table service.* The facility shall provide table service in dining rooms for all residents who can and want to eat at a table, including residents in wheelchairs.

(d) *Re-service.* Food served to a resident in an unopened manufacturer's package may not be re-served unless the package remains unopened and maintained at a proper temperature.

(e) *Temperature.* Food shall be served at proper temperatures.

(f) *Snacks.* If not prohibited by the resident's diet or condition, nourishments shall be offered routinely to all residents between the evening meal and bedtime.

(g) *Drinking water.* When a resident is confined to bed, a covered pitcher of drinking water and a glass shall be provided on a bedside stand. The water shall be changed frequently during the day, and pitchers and glasses shall be sanitized daily. Single-service disposable pitchers and glasses may be used. Common drinking utensils shall not be used.

**(6) FOOD SUPPLIES AND PREPARATION.** (a) *Supplies.* Food shall be purchased or procured from approved sources or sources meeting federal, state, and local standards or laws.

(b) *Preparation.* Food shall be cleaned and prepared by methods that conserve nutritive value, flavor and appearance. Food shall be cut, chopped, or ground as needed for individual residents.

**(7) SANITATION.** (a) *Equipment and utensils.* 1. All equipment, appliances, and utensils used in preparation or serving of food shall be maintained in a functional, sanitary, and safe condition. Replacement equipment shall meet criteria established in "Listing of Food Service Equipment" by the national sanitation foundation.

2. The floors, walls, and ceilings of all rooms in which food or drink is stored or prepared or in which utensils are washed shall be kept clean, smooth, and in good repair.

3. All furnishings, table linens, drapes, and furniture shall be

maintained in a clean and sanitary condition.

**Note:** Copies of the National Sanitation Foundation's "Listing of Food Service Equipment" are kept on file and may be consulted in the department and in the offices of the secretary of state and the revisor of statutes.

(b) *Storage and handling of food.* 1. Food shall be stored, prepared, distributed, and served under sanitary conditions which prevent contamination.

2. All readily perishable food and drink, except when being prepared or served, shall be kept in a refrigerator which shall have a temperature maintained at or below 40\_ F. (4\_C.).

**Note:** See ch. HFS 145 for the requirements for reporting incidents of suspected disease transmitted by food.

(c) *Animals.* Animals shall not be allowed where food is prepared, served or stored, or where utensils are washed or stored.

**(8) DISHWASHING.** Whether washed by hand or mechanical means, all dishes, plates, cups, glasses, pots, pans, and utensils shall be cleaned in accordance with accepted procedures which shall include separate steps for pre-washing, washing, rinsing, and sanitizing by means of hot water or chemicals or a combination approved by the department.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (2) (a), (4) (a) 3., (5) (d) and (f) and (7) (a) 4., Register, January, 1987, No. 373, eff. 2-1-87; r. and recr. (5) (c), Register, February, 1989, No. 398, eff. 3-1-89; **CR 04-053: am. (1), r. and recr. (2), r. (6) (c) and (7) (a) 4. Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.64 Rehabilitative services. (1) PROVISION OF SERVICES.** Each facility shall either provide or arrange for, under written agreement, specialized rehabilitative services as needed by residents to improve and maintain functioning.

**(2) SERVICE PLANS AND RESTRICTIONS.** (a) *Conformity with orders and plan.* Rehabilitative services shall be administered as ordered by the physician and substantially in conformance with the plan of care required by s. HFS 132.60 (8).

(b) *Report to physician.* Within 2 weeks of the initiation of rehabilitative treatment, a report of the resident's progress shall be made to the physician.

(c) *Review of plan.* Rehabilitative services shall be re-evaluated at least quarterly by the physician and therapists, and the plan of care updated as necessary.

**(3) SPECIALIZED SERVICES — QUALIFICATIONS.** (a) *Physical therapy.* Physical therapy shall be given or supervised only by a physical therapist.

(b) *Speech and hearing therapy.* Speech and hearing therapy shall be given or supervised only by a therapist who:

1. Meets the standards for a certificate of clinical competence granted by the American speech and hearing association; or
2. Meets the educational standards, and is in the process of acquiring the supervised experience required for the certification of subd. 1.

(c) *Occupational therapy.* Occupational therapy shall be given or supervised only by a therapist who meets the standards for registration as an occupational therapist of the American occupational therapy association.

(d) *Equipment.* Equipment necessary for the provision of therapies required by the residents shall be available and used as needed.

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**Note:** For record requirement, see s. HFS 132.45.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82.

**HFS 132.65 Pharmaceutical services. (1) DEFINITIONS.**

As used in this section:

(a) "Medication" has the same meaning as the term "drug" defined in s. 450.06, Stats.

(b) "Prescription medication" has the same meaning as the

term "prescription drug" defined in s. 450.07, Stats.

(c) "Schedule II drug" means any medication listed in s. 961.16, Stats.

**(2) SERVICES.** (a) Each facility shall provide for obtaining medications for the residents directly from licensed pharmacies.

(b) The facility shall establish, maintain, and implement such policies and procedures as are necessary to comply with this section and assure that resident needs are met.

**(3) SUPERVISION.** (a) *SNF medication consultant.* Each skilled nursing facility shall retain a registered pharmacist who shall visit the facility at least monthly to review the drug regimen of each resident and medication practices. The pharmacist shall submit a written report of findings at least quarterly to the facility's quality assessment and assurance committee.

(b) *ICF medication consultant.* Each intermediate care facility shall retain a registered pharmacist who shall visit the facility at least monthly to review medication practices and the drug regimen of each resident and who shall notify the attending physician if changes are appropriate. The pharmacist shall submit a written report of findings at least quarterly to the facility's quality assessment and assurance committee.

**(4) EMERGENCY MEDICATION KIT.** (a) A facility may have one or more emergency medication kits. All emergency medication kits shall be under the control of a pharmacist.

(b) The emergency kit shall be sealed and stored in a locked area.

**(5) CONTINGENCY SUPPLY OF MEDICATIONS.** (a) *Maintenance.* A facility may have a contingency supply of medications not to exceed 10 units of any medication. Any contingency supply of medications must be under the control of a pharmacist.

(b) *Storage.* Contingency drugs shall be stored at a nursing unit, except that those medications requiring refrigeration shall be stored in a refrigerator.

(c) *Single units.* Contingency medications shall be stored in single unit containers, a unit being a single capsule, tablet, ampule, tubex, or suppository.

(d) *Committee authorization.* The quality assessment and assurance committee shall determine which medications and strengths of medications are to be stocked in the contingency storage unit and the procedures for use and re-stocking of the medications.

(e) *Control.* Unless controlled by a "proof-of-use" system, as provided by sub. (6) (e), a copy of the pharmacy communication order shall be placed in the contingency storage unit when any medication is removed.

**(6) REQUIREMENTS FOR ALL MEDICATION SYSTEMS.** (a) *Obtaining new medications.* 1. When medications are needed which are not stocked, a registered nurse or designee shall telephone an order to the pharmacist who shall fill the order and release the medication in return for a copy of the physician's written order. 2. When new medications are needed which are stocked, a copy of the resident's new medication order shall be sent to the pharmacist filling medication orders for the resident.

(b) *Storing and labeling medications.* Unless exempted under par. (f), all medications shall be handled in accordance with the following provisions:

1. 'Storage.' Medications shall be stored near nurse's stations, in locked cabinets, closets or rooms, conveniently located, well lighted, and kept at a temperature of no more than 85° F. (29° C.).

2. 'Transfer between containers.' Medications shall be stored in their original containers, and not transferred between containers, except by a physician or pharmacist.

3. 'Controlled substances.' Separately locked and securely fastened boxes or drawers, or permanently affixed compartments, within the locked medication area shall be provided for storage of schedule II drugs, subject to 21 USC ch. 13, and Wisconsin's uniform controlled substance act, ch. 961, Stats.

4. 'Separation of medications.' Medications packaged for individual residents shall be kept physically separated.

5. 'Refrigeration.' Medications requiring refrigeration shall be kept in a separate covered container and locked, unless the refrigeration is available in a locked drug room.

6. 'External use of medications.' Poisons and medications for external use only shall be kept in a locked cabinet and separate from other medications, except that time-released transdermal drug delivery systems, including nitroglycerin ointments, may be kept with internal medications.

7. 'Accessibility to drugs.' Medications shall be accessible only to the registered nurse or designee. In facilities where no registered nurse is required, the medications shall be accessible only to the administrator or designee. The key shall be in the possession of the person who is on duty and assigned to administer the medications.

8. 'Labeling medications.' Prescription medications shall be labeled with the expiration date and as required by s. 450.11 (4), Stats. Non-prescription medications shall be labeled with the name of the medication, directions for use, the expiration date and the name of the resident taking the medication.

(c) *Destruction of medications.* 1. 'Time limit.' Unless otherwise ordered by a physician, a resident's medication not returned to the pharmacy for credit shall be destroyed within 72 hours of a physician's order discontinuing its use, the resident's discharge, the resident's death or passage of its expiration date. No resident's medication may be held in the facility for more than 30 days unless an order is written every 30 days to hold the medication.

2. 'Procedure.' Records shall be kept of all medication returned for credit. Any medication not returned for credit shall be destroyed in the facility and a record of the destruction shall be witnessed, signed and dated by 2 or more personnel licensed or registered in the health field.

(d) *Control of medications.* 1. 'Receipt of medications.' The administrator or a physician, nurse, pharmacist, or the designee of any of these may be an agent of the resident for the receipt of medications.

2. 'Signatures.' When the medication is received by the facility, the person completing the control record shall sign the record indicating the amount received.

3. 'Discontinuance of schedule II drugs.' The use of schedule II drugs shall be discontinued after 72 hours unless the original order specifies a greater period of time not to exceed 60 days.

(e) *Proof-of-use record.* 1. For schedule II drugs, a proof-of-use record shall be maintained which lists, on separate proof-of-use sheets for each type and strength of schedule II drug, the date and time administered, resident's name, physician's name, dose, signature of the person administering dose, and balance.

2. Proof-of-use records shall be audited daily by the registered nurse or designee, except that in facilities in which a registered nurse is not required, the administrator or designee shall perform the audit of proof-of-use records daily.

(f) *Resident control and use of medications.* 1. Residents may have medications in their possession or stored at their bedside on the order of a physician.

2. Medications which, if ingested or brought into contact with the nasal or eye mucosa, would produce toxic or irritant effects

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shall be stored and used only in accordance with the health, safety, and welfare of all residents.

**Note:** See s. HFS 132.60 (5) (d) 4. for permission for self-administration of medications.

**(7) ADDITIONAL REQUIREMENTS FOR UNIT DOSE SYSTEMS.** (a)

*Scope.* When a unit dose drug delivery system is used, the requirements of this subsection shall apply in addition to those of sub. (6).

(b) *General procedures.* 1. The individual medication shall be labeled with the drug name, strength, expiration date, and lot or control number.

2. A resident's medication tray or drawer shall be labeled with the resident's name and room number.

3. Each medication shall be dispensed separately in single unit dose packaging exactly as ordered by the physician, and in a manner to ensure the stability of the medication.

4. An individual resident's supply of drugs shall be placed in a separate, individually labeled container and transferred to the nursing station and placed in a locked cabinet or cart. This supply shall not exceed 4 days for any one resident.

5. If not delivered from the pharmacy to the facility by the pharmacist, the pharmacist's agent shall transport unit dose drugs in locked containers.

6. The individual medication shall remain in the identifiable unit dose package until directly administered to the resident. Transferring between containers is prohibited.

7. Unit dose carts or cassettes shall be kept in a locked area when not in use.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (3) (b), am. (6) (a), (b) 6. and (c), Register, January, 1987, No. 373, eff. 2-1-87; am. (3) (b) 2., (6) (b) 8. and (c) 1. and 3., Register, February, 1989, No. 398, eff. 3-1-89; correction in (1) (c) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 2000, No. 536; correction made to (6) (d) 1. under s. 13.93 (2m) (b) 7., Stats., Register December 2003 No. 576; **CR 04-053: am. (2) and (5) (d), r. (3) (a), renum. and am. (3) (b) 1. and 2., r. (6) (c) 3. Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.66 Laboratory, radiologic, and blood services.**

**(1) DIAGNOSTIC SERVICES.** (a) *Requirement of services.*

The facility shall provide for promptly obtaining required laboratory, x-ray, and other diagnostic services.

(b) *Facility-provided services.* Any laboratory and x-ray services provided by the facility shall meet the applicable requirements for hospitals provided in ch. HFS 124.

(c) *Outside services.* If the facility does not provide these services, arrangements shall be made for obtaining the services from a physician's office, hospital, nursing facility, portable x-ray supplier, or independent laboratory.

(d) *Physician's order.* No services under this subsection may be provided without the order of a physician, physician assistant or an advanced practice nurse prescriber.

(e) *Notice of findings.* The attending physician shall be notified promptly of the findings of all tests provided under this subsection.

(f) *Transportation.* The facility shall assist the resident, if necessary, in arranging for transportation to and from the provider of service.

**Note:** For record requirements, see s. HFS 132.45.

**(2) BLOOD AND BLOOD PRODUCTS.** Any blood-handling and storage facilities shall be safe, adequate, and properly supervised. If the facility provides for maintaining and transferring blood and blood products, it shall meet the appropriate requirements for hospitals under ch. HFS 124. If the facility only provides transfusion services, it shall meet the requirements of s. HFS 124.17 (3).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1) (d), Register, January, 1987, No. 373, eff. 2-1-87; correction in (1) (b) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1989, No. 398; CR 03-033: r. (1) (d) Register December 2003 No. 576, eff. 1-1-04; **CR 04-053: cr. (1) (d) Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.67 Dental services. (1) ADVISORY DENTIST.**

The facility shall retain an advisory dentist to participate in the staff development program for nursing and other appropriate personnel and to recommend oral hygiene policies and practices for the care of residents.

**(2) ATTENDING DENTISTS. (a) Arrangements for dental care.**

The facility shall make arrangements for dental care for residents who do not have a private dentist.

(b) *Transportation.* The facility shall assist the resident, if necessary, in arranging for transportation to and from the dentist's office.

**(3) DENTAL EXAMINATION OF RESIDENTS.** Every resident shall have a dental examination by a licensed dentist within 6 months after admission unless a dental examination has been performed within 6 months before admission. Subsequent dental health care shall be provided or arranged for the resident as needed.

**(4) EMERGENCY DENTAL CARE.** The facility shall arrange for emergency dental care when a resident's attending dentist is unavailable.

**Note:** For record requirements, see s. HFS 132.45; for dentists' orders, see s. HFS 132.60 (5); for staff development programs about dental practices, see s. HFS 132.44 (2).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3), Register, January, 1987, No. 373, eff. 2-1-87.

**HFS 132.68 Social services. (1) PROVISION OF SERVICES.**

Each facility shall provide for social services in conformance with this section.

**(2) STAFF. (a) Social worker.** Each facility shall employ or retain a person full-time or part-time to coordinate the social services, to review the social needs of residents, and to make referrals.

(b) *Qualifications.* The person required by par. (a) shall:

1. Have a bachelor's degree in social work, sociology, or psychology; meet the national association of social workers' standards of membership; and have one year of social work experience in a health care setting; or
2. Have a master's degree in social work from a graduate school of social work accredited by the council on social work education; or
3. Shall receive at least monthly consultation from a social worker who meets the standards of subd. 1. or 2.

**(3) ADMISSION HISTORY.** The facility shall prepare a social history of each resident.

**(4) CARE PLANNING. (a)** A social services component of the plan of care, including preparation for discharge, if appropriate, shall be developed and included in the plan of care required by s. HFS 132.60 (8) (a).

(b) Social services care and plans shall be evaluated in accordance with s. HFS 132.60 (8) (b).

**(5) SERVICES.** Social services staff shall provide the following:

- (a) *Referrals.* If necessary, referrals for guardianship proceedings, or to appropriate agencies in cases of financial, psychiatric, rehabilitative or social problems which the facility cannot serve;
- (b) *Adjustment assistance.* Assistance with adjustment to the facility, and continuing assistance to and communication with the resident, guardian, family, or other responsible persons;
- (c) *Discharge planning.* Assistance to other facility staff and the resident in discharge planning at the time of admission and prior to removal under this chapter; and
- (d) *Training.* Participation in inservice training for direct care staff on the emotional and social problems and needs of the aged and ill and on methods for fulfilling these needs.

**Note:** For record requirements, see s. HFS 132.45 (5) (d).

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3) (a), (4) (a) and (5) (a), Register, January, 1987, No. 373, eff. 2-1-87; **CR 04-053: r. and recr. (3) and**

(4) Register October 2004 No. 586, eff. 11-1-04.

**HFS 132.69 Activities. (1) PROGRAM.** (a) Every facility shall provide an activities program which meets the requirements of this section. The program may consist of any combination of 163 DEPARTMENT OF HEALTH AND FAMILY SERVICES **HFS 132.695 Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

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activities provided by the facility and those provided by other community resources.

(b) The activities program shall be planned for group and individual activities, and shall be designed to meet the needs and interests of each resident and to be consistent with each resident's plan of care.

**(2) STAFF.** (a) *Definition.* "Qualified activities coordinator" means:

1. In a skilled nursing facility, a person who:
  - b. Has 2 years of experience in a social or recreational program within the last 5 years, one year of which was full-time in a patient activities program in a health care setting; or
  - c. Is an occupational therapist or occupational therapy assistant who meets the requirements for certification by the American occupational therapy association; and
2. In an intermediate care facility, a staff member who is qualified by experience or training in directing group activity.

(b) *Supervision.* The activity program shall be supervised by:

1. A qualified activities coordinator; or
2. An employee who receives at least monthly consultation from a qualified activities coordinator.

(c) *Program staffing hours.* Except as provided in par. (d), activities staff shall be employed to provide at least .46 total hours of activities staff time per resident each week:

**Note:** The required hours are the total time that activities staff must be on duty serving residents each week, not the time directed towards each resident.

(d) *Community activities.* The length of time for which residents are involved in community activities may be included in computing the staff time provided under this subsection.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (2) (a), r. and recr. (2) (c), r. (2) (d) and (f), renum. (2) (e) to be (2) (d), Register, January, 1987, No. 373, eff. 2-1-87; **CR 04-053: r. (2) (a) 1. a. Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.695 Special requirements for facilities serving persons who are developmentally disabled.**

**(1) SCOPE.** The requirements in this section apply to all facilities that serve persons who are developmentally disabled.

**(2) DEFINITIONS.** In this section:

(a) "Active treatment" means an ongoing, organized effort to help each resident attain or maintain his or her developmental capacity through the resident's regular participation, in accordance with an individualized plan, in a program of activities designed to enable the resident to attain or maintain the optimal physical, intellectual, social and vocational levels of functioning of which he or she is capable.

(b) "Interdisciplinary team" means the persons employed by a facility or under contract to a facility who are responsible for planning the program and delivering the services relevant to a developmentally disabled resident's care needs.

(c) "IPP" or "individual program plan" means a written statement of the services which are to be provided to a resident based on an interdisciplinary assessment of the individual's developmental needs, expressed in behavioral terms, the primary purpose of which is to provide a framework for the integration of all the programs, services and activities received by the resident and to serve as a comprehensive written record of the resident's developmental progress.

(d) "QMRP" or "qualified mental retardation professional" means a person who has specialized training in mental retardation or at least one year of experience in treating or working with mentally retarded persons and is one of the following:

1. A psychologist licensed under ch. 455, Stats.;
2. A physician;
3. A social worker with a graduate degree from a school of social work accredited or approved by the council on social work education or with a bachelor's degree in social work from a college or university accredited or approved by the council on social work education.
4. A physical or occupational therapist who meets the requirements of s. HFS 105.27 or 105.28;
5. A speech pathologist or audiologist who meets the requirements of s. HFS 105.30 or 105.31;
6. A registered nurse;
7. A therapeutic recreation specialist who is a graduate of an accredited program or who has a bachelor's degree in a specialty area such as art, dance, music, physical education or recreation therapy; or
8. A human services professional who has a bachelor's degree in a human services field other than a field under subsd. 1. to 7., such as rehabilitation counseling, special education or sociology.

**(3) ACTIVE TREATMENT PROGRAMMING.** (a) All residents who are developmentally disabled shall receive active treatment.

Active treatment shall include:

1. The resident's regular participation, in accordance with the IPP, in professionally developed and supervised activities, experiences and therapies. The resident's participation shall be directed toward:
    - a. The acquisition of developmental, behavioral and social skills necessary for the resident's maximum possible individual independence; or
    - b. For dependent residents where no further positive growth is demonstrable, the prevention of regression or loss of current optimal functional status; and
  2. An individual post-institutionalization plan, as part of the IPP, developed before discharge by a qualified mental retardation professional and other appropriate professionals. This shall include provision for appropriate services, protective supervision and other follow-up services in the resident's new environment.
- (b) Active treatment does not include the maintenance of generally independent residents who are able to function with little supervision or who require few if any of the significant active treatment services described in this subsection.

**(4) RESIDENT CARE PLANNING.** (a) *Interdisciplinary team.* 1.

The interdisciplinary team shall develop the resident's individual program plan.

2. Membership on the interdisciplinary team for resident care planning may vary based on the professions, disciplines and service areas that are relevant to the resident's needs but shall include a qualified mental retardation professional, a nurse and, when appropriate, a physician.

3. The resident and the resident's family or guardian shall be encouraged to participate as members of the team, unless the resident objects to the participation of family members.

(b) *Development and content of the individual program plan.*

1. Except in the case of a person admitted for short-term care, within 30 days following the date of admission, the interdisciplinary team, with the participation of the staff providing resident care, shall review the preadmission evaluation and physician's plan of care and shall develop an IPP based on the new resident's



history and an assessment of the resident's needs by all relevant disciplines, including any physician's evaluations or orders.

2. The IPP shall include:

- a. A list of realistic and measurable goals in order of priority, with time limits for attainment;
- b. Behavioral objectives for each goal which must be attained before the goal is considered attained;
- c. A written statement of the methods or strategies for delivering care, for use by the staff providing resident care and by the professional and special services staff and other individuals involved in the resident's care, and of the methods and strategies for assisting the resident to attain new skills, with documentation of which

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professional disciplines or which personnel providing resident care are responsible for the needed care or services;

d. Evaluation procedures for determining whether the methods or strategies are accomplishing the care objectives; and

e. A written interpretation of the preadmission evaluation in terms of any specific supportive actions, if appropriate, to be undertaken by the resident's family or legal guardian and by appropriate community resources.

(c) *Reassessment of individual program plan.* 1. 'Special and professional services review.' a. The care provided by staff from each of the disciplines involved in the resident's treatment shall be reviewed by the professional responsible for monitoring delivery of the specific service.

b. Individual care plans shall be reassessed and updated at least quarterly by the interdisciplinary team, with more frequent updates if an individual's needs warrant it, and at least every 30 days by the QMRP to review goals.

c. Reassessment results and other necessary information obtained through the specialists' assessments shall be disseminated to other resident care staff as part of the IPP process.

d. Documentation of the reassessment results, treatment objectives, plans and procedures, and continuing treatment progress reports shall be recorded in the resident's record.

2. 'Interdisciplinary review'. The interdisciplinary team, staff providing resident care and other relevant personnel shall review the IPP and status of the resident at least annually and make program recommendations as indicated by the resident's developmental progress. The review shall consider at least the following:

- a. The appropriateness of the IPP and the individual's progress toward meeting the plan objectives;
- b. The advisability of continued residence, and recommendations for alternative programs and services; and
- c. The advisability of guardianship and a plan for assisting the resident in the exercise of his or her rights.

3. 'Individual evaluation.' Individual evaluations of residents shall:

- a. Make use of tests and measurements uniformly accepted within the given profession, whenever these instruments are available;
- b. Provide the basis for prescribing an appropriate program of training experiences for the resident;
- c. Provide written training and habilitation objectives for each resident that are based upon completed and relevant diagnostic and prognostic data and that are stated in terms that permit the progress of each resident to be assessed; and
- d. Provide evidence of services designed to meet the training and habilitation objectives for each resident.

(d) *Implementation.* Progress notes shall reflect the treatment

and services provided to meet the goals stated in the IPP.

**Note:** See ch. HFS 134 for rules governing residential care facilities that primarily serve developmentally disabled persons who require active treatment.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am. (2) (a), (b), (3), (4) (a), (b), (c) 1., 2. intro. and a. and (d), renum. (2) (c) to (d) and am. (intro.) and 3., cr. (2) (c), Register, February, 1989, No. 398, eff. 3-1-89; correction in (2) (d) 4. made under s. 13.93 (2m) (b) 7., Stats., Register, August, 2000, No. 536.

**HFS 132.70 Special requirements when persons are admitted for short-term care. (1) SCOPE.**

A facility may admit persons for short-term care. A facility that admits persons for short-term care may use the procedures included in this section rather than the procedures included in ss. HFS 132.52 and 132.60 (8). Short-term care is for either respite or recuperative purposes. The requirements in this section apply to all facilities that admit persons for short-term care when they admit, evaluate or provide care for these persons. Except as specified in this section, all requirements of this chapter, including s. HFS 132.51, apply to all facilities that admit persons for short-term care.

**(2) PROCEDURES FOR ADMISSION.** (a) *Respite care.* For a person admitted to a facility for respite care, the following admission and resident care planning procedures may be carried out in place of the requirements under ss. HFS 132.52 and 132.60 (8):

1. A registered nurse or physician shall complete a comprehensive resident assessment of the person prior to or on the day of admission. This comprehensive assessment shall include evaluation of the person's medical, nursing, dietary, rehabilitative, pharmaceutical, dental, social and activity needs. The consulting or staff pharmacist shall participate in the comprehensive assessment as provided under sub. (4) (a). As part of the comprehensive assessment, when the registered nurse or physician has identified a need for a special service, staff from the discipline that provides the service shall, on referral from the registered nurse or physician, complete a history and assessment of the person's prior health and care in that discipline. The comprehensive resident assessment shall include:

- a. A summary of the major needs of the person and of the care to be provided;
- b. A statement from the attending physician that the person is free from tuberculosis and other clinically apparent communicable diseases; and
- c. The attending physician's plans for discharge.

2. The registered nurse, with verbal agreement of the attending physician, shall develop a written plan of care for the person being admitted prior to or at the time of admission. The plan of care shall be based on the comprehensive resident assessment under subd. 1., the physician's orders, and any special assessments under subd. 1.

3. The facility shall send a copy of the comprehensive resident assessment, the physician's orders and the plan of care under subd. 2. to the person's attending physician. The attending physician shall sign the assessment and the plan of care within 48 hours after the person is admitted.

(b) *Recuperative care.* For a person admitted to a facility for recuperative care, the following admission and resident care planning procedures may be carried out in place of the requirements under ss. HFS 132.52 and 132.60 (8):

1. The person may be admitted only on order of a physician accompanied by information about the person's medical condition and diagnosis, the physician's initial plan of care, and either the physician's written certification that the person is free of tuberculosis and other clinically apparent communicable diseases or an order of a physician for procedures to treat any disease the person may have.

2. A registered nurse shall prepare an initial plan of care for nursing services to be implemented on the day of admission, which shall be based on the physician's initial plan of care under subd. 1. and shall be superseded by the plan of care under subd. 5.

3. A physician shall conduct a physical examination of the new resident within 48 hours following admission, unless a physical examination was performed by a physician within 15 days before admission.

4. A registered nurse shall complete a comprehensive resident assessment of the person prior to or within 72 hours after admission. The comprehensive assessment shall include evaluation of the person's nursing dietary, rehabilitative, pharmaceutical, dental, social and activity needs. The consulting or staff pharmacist shall participate in the comprehensive assessment as provided under sub. (4) (a). As part of the comprehensive assessment, when the registered nurse has identified a need for a special service, staff from the discipline that provides the service shall, on referral from the registered nurse, complete a history and assessment of the person's prior health and care in that discipline.

5. The registered nurse, with verbal agreement of the attending physician, shall develop a written plan of care for the new resi165

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dent within one week after admission. The plan of care shall be based on the comprehensive resident assessment under subd. 4., the physician's orders, and any special assessments under subd. 4.

6. The facility shall send a copy of the comprehensive resident assessment, the physician's orders and the plan of care under subd. 5. to the new resident's attending physician. The attending physician shall sign the assessment and the plan of care.

**(3) ADMISSION INFORMATION.** (a) This subsection takes the place of s. HFS 132.31 (1) (d) 1. for persons admitted for respite care or recuperative care.

(b) No person may be admitted to a facility for respite care or recuperative care without signing or the person's guardian or designated representative signing an acknowledgement of having received a statement before or on the day of admission which contains at least the following information:

1. An indication of the expected length of stay, with a note that the responsibility for care of the resident reverts to the resident or other responsible party following expiration of the designated length of stay;

2. An accurate description of the basic services provided by the facility, the rate charged for those services, and the method of payment for them;

3. Information about all additional services regularly offered but not included in the basic services. The facility shall provide information on where a statement of the fees charged for each of these services can be obtained. These additional services include pharmacy, x-ray, beautician and all other additional services regularly offered to residents or arranged for residents by the facility;

4. The method for notifying residents of a change in rates or fees;

5. Terms for refunding advance payments in case of transfer, death or voluntary or involuntary termination of the service agreement;

6. Conditions for involuntary termination of the service agreement;

7. The facility's policy regarding possession and use of personal effects;

8. In the case of a person admitted for recuperative care, the

terms for holding and charging for a bed during the resident's temporary absence; and

9. In summary form, the residents' rights recognized and protected by s. HFS 132.31 and all facility policies and regulations governing resident conduct and responsibilities.

**(4) MEDICATIONS.** (a) The consulting or staff pharmacist shall review the drug regimen of each person admitted to the facility for respite care or recuperative care as part of the comprehensive resident assessment under sub. (2) (a) 1. or (b) 4.

(b) The consulting or staff pharmacist, who is required under s. HFS 132.65 (3) (b) to visit the facility at least monthly to review drug regimens and medications practices, shall review the drug regimen of each resident admitted for recuperative care, and the drug regimen of each resident admitted for respite care who may still be a resident of the facility at the time of the pharmacist's visit.

(c) Respite care residents and recuperative care residents may bring medications into the facility as permitted by written policy of the facility.

**(5) PHYSICIAN'S VISITS.** The requirements under s. HFS 132.61 (2) (b) for physician visits do not apply in the case of respite care residents, except when the nursing assessment indicates there has been a change in the resident's condition following admission, in which case the physician shall visit the resident if this appears indicated by the resident assessment.

**(6) PRE-DISCHARGE PLANNING CONFERENCE.** (a) For residents receiving recuperative care, a planning conference shall be conducted at least 10 days before the designated date of termination of the short-term care, except in an emergency, to determine the appropriateness of discharge or need for the resident to stay at the facility. At the planning conference a care plan shall be developed for a resident who is being discharged to home care or to another health care facility. If discharge is not appropriate, the period for recuperative care shall be extended, if it was originally less than 90 days, for up to the 90 day limit, or arrangements shall be made to admit the person to the facility for care that is not short-term, as appropriate.

(b) Paragraph (a) takes the place of s. HFS 132.53 (3) (b) 1. and 2. for recuperative care residents.

**(7) RECORDS.** (a) *Contents.* The medical record for each respite care resident and each recuperative care resident shall include, in place of the items required under s. HFS 132.45 (5):

1. The resident care plan prepared under sub. (2) (a) 2. or (b) 5.;
2. Admission nursing notes identifying pertinent problems to be addressed and areas of care to be maintained;
3. For recuperative care residents, nursing notes addressing pertinent problems identified in the resident care plan and, for respite care residents, nursing notes prepared by a registered nurse or licensed practical nurse to document the resident's condition and the care provided;
4. Physicians' orders;
5. A record of medications;
6. Any progress notes by physicians or health care specialists that document resident care and progress;
7. For respite care residents, a record of change in condition during the stay at the facility; and
8. For recuperative care residents, the physician's discharge summary with identification of resident progress, and, for respite care residents, the registered nurse's discharge summary with notes of resident progress during the stay.

(b) *Location and accessibility.* The medical record for each short-term care resident shall be kept with the medical records of

other residents and shall be readily accessible to authorized representatives of the department.

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am. (1), (2) (a) (intro.) and (b) (intro.), Register, February, 1989, No. 398, eff. 3-1-89.

## **Subchapter VII — Physical Environment**

### **HFS 132.71 Furniture, equipment and supplies.**

**(1) FURNITURE IN RESIDENT CARE AREAS. (a) Beds.** 1. Each resident shall be provided a bed which is at least 36 inches wide, is equipped with a headboard of sturdy construction and is in good repair. Roll-away beds, day beds, cots, or double or folding beds shall not be used.

2. Each bed shall be in good repair and provided with a clean, firm mattress of appropriate size for the bed.

3. Side rails shall be installed for both sides of the bed when required by the resident's condition.

**(b) Bedding.** 1. Each resident shall be provided at least one clean, comfortable pillow. Additional pillows shall be provided if requested by the resident or required by the resident's condition.

2. Each bed shall have a mattress pad.

3. A moisture-proof mattress cover and pillow cover shall be provided to keep each mattress and pillow clean and dry.

4. a. A supply of sheets and pillow cases sufficient to keep beds clean, dry, and odor-free shall be stocked. At least 2 sheets and 2 pillow cases shall be furnished to each resident each week.

b. Beds occupied by bedfast or incontinent residents shall be provided draw sheets.

5. A sufficient number of blankets shall be provided to keep each resident warm. Blankets shall be changed and laundered as often as necessary to maintain cleanliness and freedom from odors.

6. Each bed shall have a clean, washable bedspread.

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**(c) Other furnishings.** 1. Each resident who is confined to bed shall be provided with a bedside storage unit containing at least one drawer for personal items and a drawer or compartment for necessary nursing equipment. All other residents shall be provided with a storage unit in the resident's room, containing at least one drawer for personal items and a drawer or compartment for necessary nursing equipment.

2. a. At least one chair shall be in each room for each bed. A folding chair shall not be used. If requested by the resident or guardian, a wheel-chair or geri-chair may be substituted.

b. An additional chair with arms shall be available upon request.

3. A properly shaded reading light in working condition shall be installed over or at each bed.

4. Adequate compartment or drawer space shall be provided in each room for each resident to store personal clothing and effects and to store, as space permits, other personal possessions in a reasonably secure manner.

5. A sturdy and stable table that can be placed over the bed or armchair shall be provided to every resident who does not eat in the dining area.

**(d) Towels, washcloths, and soap.** 1. Clean towels and washcloths shall be provided to each resident as needed. Towels shall not be used by more than one resident between launderings.

2. An individual towel rack shall be installed at each resident's bedside or at the lavatory.

3. Single service towels and soap shall be provided at each lavatory for use by staff.

**(e) Window coverings.** Every window shall be supplied with

flame retardant shades, draw drapes or other covering material or devices which, when properly used and maintained, shall afford privacy and light control for the resident.

**(2) RESIDENT CARE EQUIPMENT.** (a) *Personal need items.*

When a resident because of his or her condition needs a mouthwash cup, a wash basin, a soap dish, a bedpan, an emesis basin, or a standard urinal and cover, that item shall be provided to the resident. This equipment may not be interchanged between residents until it is effectively washed and sanitized.

(b) *Thermometers.* If reusable oral and rectal thermometers are used, they shall be cleaned and disinfected between use.

(c) *First aid supplies.* Each nursing unit shall be supplied with first aid supplies, including bandages, sterile gauze dressings, bandage scissors, tape, and a sling tourniquet.

(d) *Other equipment.* Other equipment, such as wheelchairs with brakes, footstools, commodes, foot cradles, footboards, under-the-mattress bedboards, walkers, trapeze frames, transfer boards, parallel bars, reciprocal pulleys, suction machines, patient lifts, and Stryker or Foster frames, shall be used as needed for the care of the residents.

**(3) MAINTENANCE.** All furnishings and equipment shall be maintained in a usable, safe and sanitary condition.

**(4) STERILIZATION OF SUPPLIES AND EQUIPMENT.** Each facility shall provide sterilized supplies and equipment by one or more of the following methods:

(a) Use of an autoclave;

(b) Use of disposable, individually wrapped, sterile supplies such as dressings, syringes, needles, catheters, and gloves;

(c) Sterilization services under a written agreement with another facility; or

(d) Other sterilization procedures when approved in writing by the department.

**(5) SANITIZATION OF UTENSILS.** Utensils such as individual bedpans, urinals, and wash basins which are in use shall be sanitized in accordance with acceptable sanitization procedures on a routine schedule. These procedures shall be done in an appropriate area.

**(6) DISINFECTION OF RESIDENT GROOMING UTENSILS.** Hair care tools such as combs, brushes, metal instruments, and shaving equipment which are used for more than one resident shall be disinfected before each use.

**(7) OXYGEN.** (a) No oil or grease shall be used on oxygen equipment.

(b) When placed at the resident's bedside, oxygen tanks shall be securely fastened to a tip-proof carrier or base.

(c) Oxygen regulators shall not be stored with solution left in the attached humidifier bottle.

(d) When in use at the resident's bedside, cannulas, hoses, and humidifier bottles shall be changed and sterilized at least every 5 days.

(e) Disposable inhalation equipment shall be presterilized and kept in contamination-proof containers until used, and shall be replaced at least every 5 days when in use.

(f) With other inhalation equipment such as intermittent positive pressure breathing equipment, the entire resident breathing circuit, including nebulizers and humidifiers, shall be changed daily.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (1) (e), (2) (a) and (3), Register, January, 1987, No. 373, eff. 2-1-87.

**HFS 132.72 Housekeeping services. (1) REQUIREMENT.**

Facilities shall develop and implement written policies that ensure a safe and sanitary environment for personnel and residents at all times.

**(2) CLEANING.** (a) *General.* The facility shall be kept clean and free from offensive odors, accumulations of dirt, rubbish, dust, and safety hazards.

(b) *Floors.* Floors and carpeting shall be kept clean. Polishes on floors shall provide a nonslip finish. Carpeting or any other material covering the floors that is worn, damaged, contaminated or badly soiled shall be replaced.

(c) *Other surfaces.* Ceilings and walls shall be kept clean and in good repair at all times. The interior and exterior of the buildings shall be painted or stained as needed to protect the surfaces. Loose, cracked, or peeling wallpaper or paint shall be replaced or repaired.

(d) *Furnishings.* All furniture and other furnishings shall be kept clean and in good repair at all times.

(e) *Combustibles in storage areas.* Attics, cellars and other storage areas shall be kept safe and free from dangerous accumulations of combustible materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

(f) *Grounds.* The grounds shall be kept free from refuse, litter, and waste water. Areas around buildings, sidewalks, gardens, and patios shall be kept clear of dense undergrowth.

**(3) POISONS.** All poisonous compounds shall be clearly labeled as poisonous and, when not in use, shall be stored in a locked area separate from food, kitchenware, and medications.

**(4) GARBAGE.** (a) *Storage containers.* All garbage and rubbish shall be stored in leakproof, nonabsorbent containers with close-fitting covers, and in areas separate from those used for the preparation and storage of food. Containers shall be cleaned regularly. Paperboard containers shall not be used.

(b) *Disposal.* Garbage and rubbish shall be disposed of promptly in a safe and sanitary manner.

**(5) LINEN AND TOWELS.** Linens shall be handled, stored, processed, and transported in such a manner as to prevent the spread of infection. Soiled linen shall not be sorted, rinsed, or stored in bathrooms, residents' rooms, kitchens, food storage areas, nursing units, or common hallways.

**Note:** For linen supplies, see s. HFS 132.71 (1) (b) 4; for change of linens, see s. HFS 132.60 (1) (a) 2; for toweling, see s. HFS 132.71 (1) (d).

**(6) PEST CONTROL.** (a) *Requirement.* The facility shall be maintained reasonably free from insects and rodents, with harborage and entrances of insects and rodents eliminated.

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(b) *Provision of service.* Pest control services shall be provided in accordance with the requirements of s. 94.705, Stats.

(c) *Screening of windows and doors.* All windows and doors used for ventilation purposes shall be provided with wire screening of not less than number 16 mesh or its equivalent and shall be properly installed and maintained to prevent entry of insects. Screen doors shall be self-closing and shall not interfere with exiting. Properly installed airflow curtains or fans may be used in lieu of screens.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (2) (b), (c) and (e), (6) (c), Register, January, 1987, No. 373, eff. 2-1-87.

### **Subchapter VIII — Life Safety, Design and Construction**

**HFS 132.81 Scope and definitions. (1) APPLICATION.**

This subchapter applies to all facilities except where noted. Wherever the rules in ss. HFS 132.83 and 132.84 modify the applicable life safety code under s. HFS 132.82, these rules shall take precedence.

**(2) DEFINITIONS.** The definitions in the applicable life safety code required under s. HFS 132.82 apply to this subchapter. In

addition, in this subchapter:

(a) "Life safety code" means the National Fire Protection Association's standard 101.

(b) "Period A facility" means a facility or a portion of a facility which before July 1, 1964, was either licensed as a nursing home or had the plans approved by the department; a county home or county mental hospital approved under former ch. PW 1 or 2 before July 1, 1964, which is to be converted to nursing home use; a hospital approved under ch. HFS 124 before July 1, 1964, which is to be converted to nursing home use; or any other recognized inpatient care facility in operation before July 1, 1964, to be converted to nursing home use.

(c) "Period B facility" means a facility or a portion of a facility the plans for which were approved by the department on or after July 1, 1964, but no later than December 1, 1974; a county home or county mental hospital approved under former ch. PW 1 or 2, on or after July 1, 1964, but no later than December 1, 1974, which is to be converted for nursing home use; or any other recognized inpatient care facility in operation on or after July 1, 1964, but no later than December 1, 1974, which is to be converted to nursing home use.

(d) "Period C facility" means a facility, the plans for which were approved by the department after December 1, 1974, including new additions to existing licensed facilities and major remodeling and alterations.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (2), Register, January, 1987, No. 373, eff. 2-1-87; reprinted to restore dropped copy in (2) (b), Register, May, 1987, No. 377.

**HFS 132.812 Review for compliance with this chapter and the state building code. (1)**

The department shall review nursing home construction and remodeling plans for compliance with this chapter and for compliance with the state commercial building code, chs. Comm 61 to 65, with the exception of s. Comm 61.31 (3). Where chs. Comm 61 to 65 refer to the department of commerce, those rules shall be deemed for purposes of review under this chapter to refer to the department of health and family services.

**(2)** The department shall have 45 working days from receipt of an application for plan review and all required forms, fees, plans and documents to complete the review and approve, approve with conditions or deny approval for the plan.

**History:** Emerg. cr., eff. 7-1-96; cr. Register, December, 1996, No. 492, eff. 7-1-96; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 2000, No. 536; corrections in (1) made under s. 13.93 (2m) (b) 7., Stats., Register December 2003 No. 576.

**HFS 132.815 Fees for plan reviews. (1) REQUIREMENT.**

Before the start of any construction or remodeling project for a nursing home, the plans for the construction or remodeling shall be submitted to the department, pursuant to s. HFS 132.84 (17), for review and approval by the department. The fees established in this section shall be paid to the department for providing plan review services.

**(2) FEE SCHEDULE.** (a) *General.* The department shall charge a fee for the review under s. HFS 132.812 of plans for a nursing home capital construction or remodeling project. The fee shall be based in part on the dollar value of the project, according to the schedule under par. (b), and in part on the total gross floor area in the plans, as found in par. (c). The total fee for plan review is determined under par. (d). Fees for review of partial plans, for revision of plans, for extensions of plan approval, and for handling and copying, and provisions for the collection and refund of fees are found in par. (e).

(b) *Fee part based on project dollar value.* The part of the fee based on project dollar value shall be as follows:



1. For projects with an estimated dollar value of less than \$5,000, \$100;
2. For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, \$300;
3. For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, \$500;
4. For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, \$750;
5. For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, \$1,500;
6. For projects with an estimated dollar value of at least \$1 million but less than \$5 million, \$2,500; and
7. For projects with an estimated dollar value of \$5 million or more, \$5,000.

(c) *Fee part based on total gross floor area.* 1. 'General.' The part of the fee based on total gross floor area shall be as provided in Table 132.815 subject to the conditions set out in this paragraph.

2. 'Building, heating and ventilation.' The fees in Table 132.815 apply to the submittal of all building and heating, ventilation and air conditioning (HVAC) plans. A fee for review of plans shall be computed on the basis of the total gross floor area of each building.

**TABLE 132.815  
Fee Part Based on Total Gross Floor Area**

<b>FEE</b>	
<b>Area (Sq. Feet)</b>	
<b>Bldg. &amp; HVAC</b>	
<b>Bldg. Area Only</b>	
<b>HVAC Area Only</b>	
Up to 2,500	
\$320	
\$270	
\$190	
2,501 – 5,000	430 320 240
5,001 – 10,000	
580	
480	
270	
10,001 – 20,000	
900	
630	
370	
20,001 – 30,000	
1,280	
900	
480	
30,001 – 40,000	
1,690	
1,220	
690	
40,001 – 50,000	2,280 1,590 900
50,001 – 75,000	
3,080	
2,120	
1,220	
75,001 – 100,000	

3,880  
2,600  
1,690  
100,001 – 200,000  
5,940  
4,240  
2,120  
200,001 – 300,000 12,200 7,430 4,770  
300,001 – 400,000  
17,190  
11,140  
6,900  
400,001 – 500,000  
21,220  
13,790  
9,020  
Over 500,000  
22,810  
14,850  
10,080

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3. 'Scope of fee.' The fees indicated in Table 132.815, relating to building and heating, ventilation and air conditioning plans, include the plan review and inspection fee for all components, whether submitted with the original submittal or at a later date.

Components covered by that fee are:

- a. Building plans;
- b. Heating, ventilation and air conditioning plans;
- c. Bleacher plans for interior bleachers only;
- d. Fire escape plans;
- e. Footing and foundation plans; and
- f. Structural component plans, such as plans for floor and roof trusses, precast concrete, laminated wood, metal buildings, solariums and other similar parts of the building.

4. 'Building alteration.' a. The examination fee for review of plans for alteration of existing buildings and structures undergoing remodeling or review of tenant space layouts shall be determined in accordance with Table 132.815 on the basis of the gross floor area undergoing remodeling.

b. The fee specified in subd. 4. a. shall be based on the actual gross square footage of the area being remodeled. When remodeling of an individual building component affects building code compliance for a larger area, the fee shall be computed on the basis of the total square footage of the affected area.

(d) *Total fee for review of plans.* To determine the total fee for review of plans, the department shall:

1. Add the fee parts from pars. (b) and (c); and
2. Multiply the sum obtained in subd. 1. by 0.95.

(e) *Other fee provisions related to review of plans.* 1. 'Fee for miscellaneous plans.' Miscellaneous plans are plans that have no building or heating, ventilation and air conditioning plan submissions and for which there may not be an associated area. The fee for a miscellaneous plan shall be \$250. This fee is for plan review and inspection. Miscellaneous plans include:

- a. Footing and foundation plans submitted prior to the submission of the building plans;
- b. Plans for industrial exhaust systems for dust, fumes, vapors and gases, for government-owned buildings only;
- c. Spray booth plans, for government-owned buildings only;

- d. Stadium, grandstand and bleacher plans, and interior bleacher plans submitted as independent projects;
  - e. Structural plans submitted as independent projects, such as docks, piers, antennae, outdoor movie screens and observation towers; and
  - f. Plans for any building component, other than building and heating, ventilation and air conditioning, submitted following the final inspection by the department.
2. 'Fee for permission to start construction.' The fee for permission to start construction shall be \$80. This fee shall apply to those applicants proposing to start construction prior to the approval of the plans by the department.
  3. 'Fee for plan revision.' The fee for revision of previously approved plans shall be \$100. This paragraph applies when plans are revised for reasons other than those that were requested by the department. The department may not charge a fee for revisions requested by the department as a condition of original plan approval.
  4. 'Fee for extension of plan approval.' The examination fee for a plan previously approved by the department for which an approval extension [was requested] beyond the time limit specified in this chapter shall be \$75 per plan.
  5. 'Collection of fees.' Fees shall be remitted at the time the plans are submitted. No plan examinations, approvals or inspections may be made until fees are received.

6. 'Handling and copying fees.' a. The department shall charge a handling fee of \$50 per plan to the submitting party for any plan that is submitted to the department, entered into the department's system and subsequently requested by the submitting party to be returned prior to departmental review.
- b. The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

**(3) HANDLING AND COPYING FEES.** (a) The department shall charge a handling fee of \$50 per plan to the submitting party for any plan which is submitted to the department, entered into the department's system and then the submitting party requests that it be returned prior to review.

(b) The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

**History:** Emerg. cr. eff. 1-1-94; cr. Register, August, 1994, No. 464, eff. 9-1-94; emerg. r. and recr. (2), eff. 7-1-96; r. and recr. (2), Register, December, 1996, No. 492, eff. 1-1-97.

**HFS 132.82 Life safety code. (1) APPLICABILITY.** Facilities shall meet the applicable provisions of the 2000 edition of the Life Safety Code.

**Note:** Copies of the 2000 Life Safety Code and related codes are on file in the Department's Bureau of Quality Assurance, the Revisor of Statutes' Bureau and the Secretary of State's Office, and may be obtained from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

**(2) FIRE SAFETY EVALUATION SYSTEM.** A proposed or existing facility not meeting all requirements of the applicable life safety code shall be considered in compliance if it achieves a passing score on the Fire Safety Evaluation System (FSSES), developed by the United States department of commerce, national bureau of standards, to establish safety equivalencies under the life safety code.

**(3) RESIDENT SAFETY AND DISASTER PLAN.** (a) *Disaster plan.*

1. Each facility shall have a written procedure which shall be followed in case of fire or other disasters, and which shall specify persons to be notified, locations of alarm signals and fire extinguishers,

evacuation routes, procedures for evacuating helpless residents, frequency of fire drills, and assignment of specific tasks and responsibilities to the personnel of each shift and each discipline.

2. The plan shall be developed with the assistance of qualified fire and safety experts, including the local fire authority.
3. All employees shall be oriented to this plan and trained to perform assigned tasks.
4. The plan shall be available at each nursing station.
5. The plan shall include a diagram of the immediate floor area showing the exits, fire alarm stations, evacuation routes, and locations of fire extinguishers. The diagram shall be posted in conspicuous locations in the corridor throughout the facility.

(b) *Drills.* Fire drills shall be held at irregular intervals at least 4 times a year on each shift and the plan shall be reviewed and modified as necessary. Records of drills and dates of drills shall be maintained.

(c) *Fire inspections.* The administrator of the facility shall arrange for fire protection as follows:

1. At least semiannual inspection of the facility shall be made by the local fire inspection authorities. Signed certificates of such inspections shall be kept on file in the facility.
2. Certification by the local fire authority as to the fire safety of the facility and to the adequacy of a written fire plan for orderly evacuation of residents shall be obtained and kept on file in the facility.
3. Where the facility is located in a city, village, or township that does not have an official established fire department, the licensee shall obtain and maintain a continuing contract for fire protection service with the nearest municipality providing such service. A certification of the existence of such contract shall be kept on file in the facility.

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(d) *Fire equipment.* All fire protection equipment shall be maintained in readily usable condition and inspected annually. In addition to any other equipment, a fire extinguisher suitable for grease fires shall be provided in or adjacent to the kitchen. Each extinguisher shall be provided with a tag for the date of inspection.

**Note:** See NFPA 10, 1973 edition.

(e) *Fire report.* All incidents of fire in a facility shall be reported to the department within 72 hours.

(f) *Smoking.* Smoking by residents shall be permitted only in designated areas supervised in accordance with the conditions, needs, and safety of residents.

(g) *Prevention of ignition.* Heating devices and piping shall be designed or enclosed to prevent the ignition of clothing or furnishings.

(h) *Floor coverings.* Scatter rugs and highly polished, slippery floors are prohibited, except for non-slip entrance mats. All floor coverings and edging shall be securely fastened to the floor or so constructed that they are free of hazards such as curled and broken edges.

(i) *Roads and sidewalks.* The ambulatory and vehicular access to the facility shall be kept passable and open at all times of the year. Sidewalks, drives, fire escapes, and entrances shall be kept free of ice, snow, and other obstructions.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; r. and recr. (1) and (2), (4), renum. (3) and (5) to be (4) and (6), cr. (3) and (5), Register, January, 1987, No. 373, eff. 2-1-87; emerg. am. (3), cr. (3m), r. and recr. (5) and Table, eff. 7-1-94; am. (3), cr. (3m), r. and recr. (5) and Table, Register, January, 1995, No. 469, eff. 2-1-95; **CR 04-053: r. and recr. (1) to (5), renum. (6) to be (3) Register October 2004 No. 586, eff. 11-1-04.**

#### **HFS 132.83 Safety and systems. (1) MAINTENANCE.**

The building shall be maintained in good repair and kept free of

hazards such as those created by any damaged or defective building equipment.

**(2) CORRIDORS.** (a) *Handrails.* Corridors used by residents shall be equipped with handrails firmly secured on each side of the corridor.

(b) *Size.* 1. In period A facilities, all corridors in resident use areas shall be at least 4 feet wide.

2. In period B facilities, all corridors in resident use areas shall be at least 7 feet wide.

3. In period C facilities, all corridors in resident use areas shall be at least 8 feet wide.

**(3) DOORS.** (a) *Size.* 1. Doorways to residents' rooms, between residents' rooms and exits, and exit doorways shall be at least 28 inches wide.

2. In period B and C facilities, doors to residents' rooms shall not be less than 3 feet 8 inches wide and 6 feet 8 inches in height, and shall be at least one and three-quarter inches solid core wood or equivalent construction.

(b) *Latches.* Each exit door shall have such latches or hardware that the door can be opened from the inside by pushing against a single bar or plate or by turning a single knob or handle.

(c) *Locks.* 1. Exit doors from the building and from nursing areas and wards may not be hooked or locked to prevent exit from the inside, unless this is authorized under s. HFS 132.33.

**Note:** See rules adopted under chs. Comm 61 to 65 for other restrictions on locking of exits.

2. No lock shall be installed on the door of a resident's room, unless:

a. The lock is operable from inside the room with a simple one-hand, one-motion operation without the use of a key unless the resident is confined in accordance with s. HFS 132.33;

b. All personnel regularly assigned to work in a resident care area have in their possession a master-key for the rooms in that area;

c. A master-key is available to emergency personnel such as the fire department; and

d. The resident is capable of following directions and taking appropriate action for self-preservation under emergency conditions.

(d) *Toilet room doors.* In period B and C facilities, resident toilet room doors shall be not less than 3 feet 0 inches by 6 feet 8 inches, and shall not swing into the toilet room unless they are provided with two-way hardware.

(e) *Thresholds.* In period B and C facilities, raised thresholds which cannot be traversed easily by a bed on wheels, a wheelchair, a drug cart, or other equipment on wheels shall not be used.

**(4) EMERGENCY POWER.** Emergency electrical service with an independent power source which covers lighting at nursing stations, telephone switchboards, exit and corridor lights, boiler room, fire alarm systems, and medical records when solely electronically based, shall be provided. The service may be battery operated if effective for at least 4 hours.

**(5) FIRE PROTECTION.** (a) *Carpeting.* Carpeting shall not be installed in rooms used primarily for the following purposes: food preparation and storage, dish and utensil washing, soiled utility workroom, janitor closet, laundry processing, hydro-therapy, toilet and bathing, resident isolation, and resident examination.

(e) *Vertical exit stairways.* At least one interior exit stairway shall be provided so that an enclosed protected path of at least one-hour fire-resistive construction is available for occupants to proceed with safety to the exterior of the facility.

(f) *Fire escapes.* In period A and period B facilities, outside fire escapes are permitted as one means of egress if they meet all of the following requirements:

1. Iron, steel, or concrete or other approved noncombustible material shall be used in the construction and support of the fire escape.
2. No part of access or travel in the path of exit shall be across a roof or other part of a facility which is of combustible construction.
3. Protection against fire in the facility shall be by blank or closed walls directly under the stairway and for a distance of 6 feet in all other directions. A window shall be permitted within this area if it is stationary, of steel sash construction, and is glazed with wire glass of not less than 1/4-inch thickness. The size of wire glass shall not exceed 1296 square inches with no dimension exceeding 54 inches in either length or width.
4. The fire escape shall be protected with a roof and at least partial sidewalls to prevent the accumulation of snow and ice.
5. The bottom riser shall terminate at ground level, with the last riser not more than the spacing of the riser above.
6. A tubular or spiral slide-type fire escape shall not be permitted.  
(g) *Housing blind, nonambulatory, or handicapped residents.* In an existing facility of 2 or more stories which is not of at least two-hour fire-resistive construction, blind, nonambulatory, or physically handicapped residents shall not be housed above the street level floor unless the facility is either of one-hour protected noncombustible construction (as defined in national fire protection standard 220), fully sprinklered one-hour protected ordinary construction, or fully sprinklered one-hour protected woodframe construction.  
(h) *Storage of oxygen.* Oxygen tanks, when not in use, shall be stored in a ventilated closet designated for that purpose or stored outside the building of the home in an enclosed secured area.

**(6) SPRINKLERS FOR FIRE PROTECTION.** (a) *Facilities licensed prior to December 1, 1974.* Unless all walls, partitions, piers, columns, floors, ceilings, roofs and stairs are built of noncombustible material, and all metallic structural members are protected by a noncombustible fire-resistive covering, facilities licensed prior to December 1, 1974 shall have automatic sprinkler protection throughout all buildings.

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(b) *Facilities licensed on or after December 1, 1974.* Except for the following, all facilities licensed on or after December 1, 1974 shall have automatic sprinkler protection throughout all buildings.

1. In the event of an addition to, or remodeling of, a facility licensed prior to December 1, 1974, the entire facility shall have automatic sprinkler protection throughout unless there is a 2-hour fire-rated partition wall between the old and new construction, in which case only the new or remodeled area shall be sprinklered.
2. In the event of the conversion of a portion of a recognized inpatient care facility in operation prior to December 1, 1974 to a facility licensed under this chapter, the facility shall have automatic sprinkler protection throughout unless there is a 2-hour fire-rated partition wall separating the portion of the facility licensed under this chapter from the rest of the building, in which case only the portion of the facility licensed under this chapter shall be sprinklered.

**(7) MECHANICAL SYSTEMS.** (a) *Water supply.* 1. A potable water supply shall be maintained at all times. If a public water supply is available, it shall be used. If a public water supply is not available, the well or wells shall comply with ch. NR 812.  
2. An adequate supply of hot water shall be available at all

times. The temperature of hot water at plumbing fixtures used by residents may not exceed the range of 110–115° F.

(b) *Sewage disposal.* All sewage shall be discharged into a municipal sewage system if available. Otherwise, the sewage shall be collected, treated, and disposed of by means of an independent sewage system approved under applicable state law and the local authority.

(c) *Plumbing.* The plumbing for potable water and drainage for the disposal of excreta, infectious discharge, and wastes shall comply with applicable state plumbing standards.

(d) *Heating and air conditioning.* 1. The heating and air conditioning systems shall be capable of maintaining adequate temperatures and providing freedom from drafts.

2. A minimum temperature of 72° F. (22° C.) shall be maintained during the day and at least 70° F. (21° C.) during the night in all bedrooms and in all other areas used by residents.

(e) *Incineration.* 1. Facilities for the incineration of soiled dressings and similar wastes, as well as garbage and refuse, shall be provided when other methods of disposal are not available.

2. An incinerator shall not be flue fed nor shall any upper floor charging chute be connected with the combustion chamber.

(f) *Telephone.* There shall be at least one operational non-pay telephone on the premises and as many additional telephones as are deemed necessary in an emergency or required by s. HFS 132.84 (3).

(g) *General lighting.* 1. Adequate lighting shall be provided in all areas of the facility. Lighting shall be of a type that does not produce discomfort due to high brightness, glare or reflecting surface. No candles, oil lanterns, or other open flame method of illumination may be used.

2. Period C facilities shall have night lighting.

(h) *Ventilation.* 1. The facility shall be well-ventilated through the use of windows, mechanical ventilation, or a combination of both. Rooms and areas which do not have outside windows and which are used by residents or personnel shall be provided with functioning mechanical ventilation to change the air on a basis commensurate with the type of occupancy.

2. All inside bathrooms and toilet rooms shall have mechanical ventilation to the outside.

3. In period A facilities, kitchens, bathrooms, utility rooms, janitor closets, and soiled linen rooms shall be ventilated.

4. In period B facilities, when mechanical ventilation is provided, the corridors, solaria, dining, living, and recreation areas shall be under positive pressure.

5. In period C facilities:

a. Mechanical ventilation shall be provided to the resident area corridors, solaria, dining, living and recreation areas, and nursing station. These areas shall be under positive pressure.

b. All rooms in which food is stored, prepared or served, or in which utensils are washed shall be well-ventilated. Refrigerated storage rooms need not be ventilated.

(i) *Elevators.* 1. In period B facilities, at least one elevator shall be provided when residents' beds are located on one or more floors above or below the dining or service floor. The platform size of the elevator shall be large enough to hold a resident bed and attendant.

2. In period C facilities, at least one elevator shall be provided in the facility if resident beds or activities are located on more than one floor. The platform size of the elevator shall be large enough to hold a resident bed and an attendant.

(j) *Electrical.* 1. In all facilities, nonconductive wall plates shall be provided where the system is not properly grounded.

2. In period B and C facilities:
  - a. At least one duplex-type outlet shall be provided for every resident's bed; and
  - b. Silent-type wall switches shall be provided.
3. In new construction begun after the effective date of this chapter, at least 2 duplex-type outlets shall be provided for each bed.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3) (c) 1., (5) (e) and (f) (intro), (6) (b), (7) (a), (f), (g) 1., (j) 2., Register, January, 1987, No. 373, eff. 2-1-87; emerg. am. (6) (a), r. and recr. (6) (b), eff. 7-1-94; am. (6) (a), r. and recr. (6) (b), Register, January, 1995, No. 469, eff. 2-1-95; **CR 04-053: am. (4) and (7) (a) 2., r. (5) (b), (c) and (d), Register October 2004 No. 586, eff. 11-1-04.**

**HFS 132.84 Design. (1) RESIDENTS' ROOMS.** (a) *Assignment of residents.* Sexes shall be separated by means of separate wings, floors, or rooms, except in accordance with s. HFS 132.31 (1) (f) 1.

(b) *Location.* No bedroom housing a resident shall:

1. Open directly to a kitchen or laundry;
2. Be located so that a person must pass through another resident's bedroom, a toilet room or a bathroom to gain access to any other part of the facility; or
3. Be located so that a person must pass through a kitchen or laundry to gain access to the resident's room or other part of the facility.

(c) *Access to corridor and outside.* Each bedroom shall have direct access to a corridor and outside exposure with the floor at or above grade level.

(d) *Size.* 1. The minimum floor area per bed shall be 100 square feet in single rooms and 80 square feet per bed in multiple bedrooms, exclusive of vestibule, closets, built-in vanity and wardrobe, toilet rooms and built-in lockers. The department may waive this requirement in individual cases where the facility has demonstrated in writing that such variations are in accordance with the particular needs of the residents and will not adversely affect their health and safety.

2. In period C facilities, resident rooms shall be large enough to permit the sides and feet of all beds to be not less than 2 feet from the nearest walls.

3. a. In period A facilities, ceilings shall be at least 7 feet in height.

b. In period B and C facilities, ceilings shall be at least 8 feet in height.

(e) *Windows.* In period B and C facilities, the bottom sill of windows in bedrooms shall be no more than 3 feet from the floor.

(f) *Bed capacity.* No rooms shall house more than 4 beds.

(g) *Bed arrangement.* The beds shall be arranged so that the beds shall be at least 3 feet apart and a clear aisle space of at least 3 feet from the entrance to the room to each bed shall be provided.

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(h) *Closet space.* A closet or locker shall be provided for each resident in each bedroom. Closets or lockers shall afford a space of not less than 15 inches wide by 18 inches deep by 5 feet in height for each resident bed.

(i) *Cubicle curtains.* 1. In period A and B facilities, each bed in a multiple-bed room shall have a flameproof cubicle curtain or an equivalent divider that will assure resident privacy.

2. In period C facilities, each bed in a multiple-bed room shall be provided with a flameproof cubicle curtain to enclose each bed and to assure privacy.

(j) *Room identification.* Each bedroom shall be identified with a unique number placed on or near the door.



(k) *Design and proximity to baths.* Residents' bedrooms shall be designed and equipped for adequate nursing care and the comfort and privacy of residents. Each bedroom shall have or shall be conveniently located near adequate toilet and bathing facilities.

**(2) TOILET AND BATHING FACILITIES.** (a) *General.* All lavatories required by this subsection shall have hot and cold running water. Toilets shall be water flushed and equipped with open front seats without lids.

(b) *Employee and family facilities.* Toilets, baths, and lavatories for use by employees or family members shall be separate from those used by residents.

(c) *Grab bars.* Firmly secured grab bars shall be installed in every toilet and bathing compartment used by residents.

(d) *Wheelchair facilities.* 1. On floors housing residents who use wheelchairs, there shall be at least one toilet room large enough to accommodate wheelchairs.

2. In all facilities licensed for skilled care, a bathtub or shower room large enough to accommodate a wheelchair and attendant shall be provided.

**Note:** Requirements for wheelchair access to public toilets are contained in ch. Comm 62.

(e) *Period A and B.* In period A and B facilities:

1. Separate toilet and bath facilities shall be provided for male and female residents in at least the following number:

- a. One toilet and one lavatory for every 8 female residents;
- b. One toilet and one lavatory for every 8 male residents. One urinal may be substituted for one toilet for every 24 male residents;
- c. In period A facilities, one tub or shower for every 20 residents; and

d. In period B facilities, one tub or shower for every 20 female residents and one for every 20 male residents.

2. Toilet and bath facilities shall be located on the floors of the residents to be served, and shall be separated in such a manner that they can be used independently and afford privacy.

(f) *Period C.* In period C facilities:

1. Toilet facilities shall be provided in conjunction with each resident's room, with not more than 2 residents' rooms, and not more than 4 beds per toilet room.

2. One toilet and one lavatory for not more than 4 residents shall be provided and separate facilities shall be provided for each sex.

3. One tub or shower for every 20 residents of each sex shall be provided. The bath or shower shall be located on the same floor as the residents served. Facilities for showering with a wheeled shower chair shall be provided.

4. Every tub, shower, or toilet shall be separated in such a manner that it can be used independently and afford privacy.

5. On floors where wheelchair residents are cared for, there shall be a toilet room large enough to accommodate a wheelchair and attendant.

(g) The requirement in pars. (e) and (f) of separate facilities for male and female residents is not applicable to facilities used by married couples sharing a room, if the facilities are not used by other residents.

**(3) STAFF WORK STATIONS AND OTHER REQUIRED FACILITIES.**

Each resident living area shall have all of the following:

(a) A staff work station whose location allows staff to provide services to all living areas, resident bedrooms and resident use spaces. The facility shall contain adequate storage space for records and charts and shall contain a desk or work counter for staff, a functional telephone for emergency calls and a resident communication system as required under sub. (4). Staff work stations shall be located to meet the needs of the resident population

being served.

(b) Space for storage of linen, equipment and supplies, unless a central space for storage is provided.

(c) 1. Except as provided in subds. 2. and 3., a well-lit, secure medicine preparation, storage and handling room or area available to each staff work station with a work counter, refrigerator, sink with hot and cold running water, and a medicine storage cabinet with lock or space for drug carts. The room shall be mechanically ventilated.

2. In period A nursing homes, a well-lit medicine preparation, storage and handling area equipped with a sink and hot and cold running water may continue to be used. Mechanical ventilation is not required.

3. In period B nursing homes, cart storage space and mechanical ventilation within the medicine preparation room are not required.

(d) 1. Except as provided in subds. 2., 3. and 4., a soiled utility room central to each resident sleeping room wing or module that is equipped with a flush-rim siphon jet service sink, a facility for sanitizing bedpans, urinals, emesis basins, thermometers and related nursing care equipment, appropriate cabinet and counter space, and sink with hot and cold running water. The room shall be mechanically ventilated and under negative pressure.

2. Period A nursing homes shall have a utility room that shall be located, designed and equipped to provide areas for the separate handling of clean and soiled linen, equipment, and supplies.

3. Period B nursing homes shall have a ventilated utility room with a flush-rim service sink.

4. Central location of soiled utility rooms is not required in existing nursing homes.

(e) 1. Except as provided in subd. 2., a clean utility area or room central to each resident sleeping room wing or module that is equipped with a sink with hot and cold running water, counter, and cabinets for storage of clean utensils and equipment.

2. Period A and B nursing homes shall have a utility room located, designed and equipped to provide areas for the separate handling of clean and soiled linen, equipment and supplies.

(f) Period C nursing homes shall have staff toilet and hand-washing facilities separate from those used by residents.

(g) Period C nursing homes shall have a nourishment station with sink, hot and cold running water, refrigerator and storage for serving between-meal nourishment if a kitchen is not open at all times. Nourishment stations may serve more than one nursing area but not more than a single floor.

**(4) RESIDENT AND STAFF COMMUNICATION.** (a) Except as provided in pars. (b) and (c), the nursing home shall have a department-approved resident and staff communication system comprised of components listed by an independent testing laboratory to permit each resident to activate the call from resident rooms, toilet area, bathing areas, and activity areas. Nurse calls shall be visible from corridor or access aisles within each resident living area and an audible sounder shall annunciate upon failure of staff response. The communication signal emanating from the toilet, bath and shower areas shall be that of a distinctive emergency call. The activation device shall be reachable by the residents from each toilet, bath or shower location.

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**Note:** Underwriter's Laboratory (UL) is an example of an independent testing laboratory.

(b) Nursing homes in existence November 1, 2004, may continue using a nurse call system that registers calls from each resident bed, resident toilet room and each tub and shower area. In

addition, in period B and C nursing homes, the resident staff signal may register in the corridor directly outside the room and at the staff work station.

(c) In all nursing homes in existence November 1, 2004, the nursing home may retain use of non-source signal canceling equipment until any remodeling is undertaken within the smoke compartment where the equipment is located.

(d) Communication systems shall be functioning at all times.

**(5) DINING, RECREATION AND ACTIVITY AREAS.** (a) *Multipurpose space.* The facility shall provide one or more appropriately furnished multipurpose areas of adequate size for dining and for diversional and social activities of residents.

(b) *Lounge.* At least one dayroom or lounge, centrally located, shall be provided for use of the residents.

(c) *Size of dining rooms.* Dining rooms shall be of sufficient size to seat all residents at no more than 2 shifts. Dining tables and chairs shall be provided. TV trays or portable card tables shall not be used as dining tables.

(d) *Space.* If a multipurpose room is used for dining and diversional and social activities of residents, there shall be sufficient space to accommodate all activities and minimize their interference with each other.

(e) *Total area.* 1. In period A and B facilities, the combined floor space of dining, recreation, and activity areas shall not be less than 15 square feet per bed. Solaria and lobby sitting space may be included, but shall not include required exit paths.

Required exit paths in these areas shall be at least 4 feet wide.

2. In period C facilities, the combined floor space of dining, recreation, and activity areas shall not be less than 25 square feet per bed. Solaria and lobby sitting areas, exclusive of traffic areas, shall be categorized as living room space.

**(6) FOOD SERVICE.** (a) *General.* The facility shall have a kitchen or dietary area which shall be adequate to meet food service needs and shall be arranged and equipped for the refrigeration, storage, preparation, and serving of food, as well as for dish and utensil cleaning and refuse storage and removal. Dietary areas shall comply with the local health or food handling codes. Food preparation space shall be arranged for the separation of functions and shall be located to permit efficient services to residents and shall not be used for nondietary functions.

(b) *Period A.* In period A facilities:

1. 'Location.' The kitchen shall be located on the premises or a satisfactory sanitary method of transportation of food shall be provided.

2. 'Proximity.' Kitchen or food preparation areas shall not open into resident rooms, toilet rooms, or laundry.

3. 'Handwashing.' Adequate and convenient handwashing facilities shall be provided for use by food handlers, including hot and cold running water, soap, and sanitary towels. Use of a common towel is prohibited.

4. 'Sink.' At least a 2-compartment sink for manual dishwashing shall be provided in kitchens or dishwashing areas. A minimum three-compartment sink shall be provided for replacement.

5. 'Sanitation.' Rooms subject to sewage or wastewater backflow or to condensation or leakage from overhead water or waste lines shall not be used for storage or food preparation unless provided with acceptable protection from such contamination.

(c) *Period B.* In period B facilities:

1. 'Traffic.' Only traffic incidental to the receiving, preparation, and serving of food and drink shall be permitted.

2. 'Proximity.' Toilet facilities shall not open directly into the kitchen.

3. 'Storage.' Food day-storage space shall be provided adjacent to the kitchen.
4. 'Lavatory.' A separate handwashing lavatory with soap dispenser, single service towel dispenser, or other approved hand drying facility shall be located in the kitchen.
5. 'Dishwashing area.' A separate dishwashing area, preferably a separate room, shall be provided.
6. 'Sanitation.' Rooms subject to sewage or wastewater backflow or to condensation or leakage from overhead water or waste lines shall not be used for storage or food preparation unless provided with acceptable protection from such contamination.

(d) *Period C.* In period C facilities:

1. 'Kitchen and dietary.' Kitchen and dietary facilities shall be provided to meet food service needs and arranged and equipped for proper refrigeration, heating, storage, preparation, and serving of food. Adequate space shall be provided for proper refuse handling and washing of waste receptacles, and for storage of cleaning compounds.
  2. 'Traffic.' Only traffic incidental to the receiving, preparation and serving of food and drink shall be permitted.
  3. 'Toilets.' No toilet facilities may open directly into the kitchen.
  4. 'Food storage.' Food day-storage space shall be provided adjacent to the kitchen and shall be ventilated to the outside.
  5. 'Handwashing.' A separate handwashing sink with soap dispenser, single service towel dispenser, or other approved hand drying facility shall be located in the kitchen.
  6. 'Dishwashing.' A separate dishwashing area, preferably a separate room, with mechanical ventilation shall be provided.
  7. 'Sink.' At least a 3-compartment sink shall be provided for washing, rinsing and sanitizing utensils, with adequate drainboards at each end. In addition, a single-compartment sink located adjacent to the soiled utensil drainboard shall be available for prewashing. The additional sink may also be used for liquid waste disposal. The size of each sink compartment shall be adequate to permit immersion of at least 50% of the largest utensil used. In lieu of the additional sink for prewashing, a well-type garbage disposal with overhead spray wash may be provided.
  8. 'Mechanical dishwashers.' Mechanical dishwashers and utensil washers, where provided, shall meet the requirements of the current approved list from the national sanitation foundation or equivalent with approval of the department.
- Note:** Copies of the National Sanitation Foundation's "Listing of Food Service Equipment" are kept on file and may be consulted in the department and in the offices of the secretary of state and the revisor of statutes.
9. 'Temperature.' Temperature gauges shall be located in the wash compartment of all mechanical dishwashers and in the rinse water line at the machine of a spray-type mechanical dishwasher or in the rinse water tank of an immersion-type dishwasher. The temperature gauges shall be readily visible, fast-acting and accurate to plus or minus 2° F. or one° C.
  10. 'Fire extinguishers.' Approved automatic fire extinguishing equipment shall be provided in hoods and attached ducts above all food cooking equipment.
  11. 'Walls.' The walls shall be of plaster or equivalent material with smooth, light-colored, nonabsorbent, and washable surfaces.
  12. 'Ceiling.' The ceiling shall be of plaster or equivalent material with smooth, light-colored, nonabsorbent, washable surfaces.
  13. 'Floors.' The floors of all rooms, except the eating areas of dining rooms, in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be nonabsorbent and easily cleaned.

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14. 'Screens.' All room openings to the out-of-doors shall be effectively screened. Screen doors shall be self-closing.

15. 'Lighting.' All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well-lighted.

16. 'Sewage contamination.' Rooms subject to sewage or waste water backflow or to condensation or leakage from overhead water or waste lines shall not be used for storage or food preparation unless provided with acceptable protection from such contamination.

**(7) STORAGE.** (a) *Resident's storage.* In period B and C facilities, one or more central storage spaces shall be provided in the facility building for the storing of residents' possessions such as trunks, luggage, and off-season clothing. The storage space shall total at least 50 cubic feet per resident bed.

(b) *General storage.* A general storage area shall be provided for supplies, equipment, and wheelchairs. Period C facilities shall have such storage space on each nursing unit.

(c) *Linen.* 1. Period B facilities shall provide a linen closet or cabinet for each floor or wing.

2. Period C facilities shall provide a linen storage space or cabinet for each nursing unit.

**(8) FAMILY AND EMPLOYEE LIVING QUARTERS.** Any family and employee living quarters shall be separate from the residents' area.

**(9) EMPLOYEE FACILITIES.** (a) In period A and B facilities, space shall be provided for employee wraps, purses, and other personal belongings when on duty, but this space shall not be located in food preparation, food storage or utensil washing areas, or in residents' rooms.

(b) In period C facilities, the following shall be provided for employees, and shall not be located in food preparation, food storage, utensil washing areas, or in resident's rooms:

1. A room or rooms for employee wraps, with lockers for purses and other personal belongings when on duty;

2. Handwashing lavatories with soap dispenser, single-service towel dispenser, or other approved hand drying equipment; and

3. Toilet facilities separate from those used by residents.

**(10) JANITOR FACILITIES.** (a) Period B facilities shall have a ventilated janitor closet on each floor equipped with hot and cold running water and a service sink or receptor.

(b) Period C facilities shall have a mechanically ventilated janitor closet of adequate size on each floor and in the food service area, equipped with hot and cold running water and a service sink or receptor.

**(11) LAUNDRY FACILITIES.** (a) *Facilities.* A laundry room shall be provided unless commercial laundry facilities are used. Laundry facilities shall be located in areas separate from resident units and shall be provided with necessary washing, drying, and ironing equipment.

(b) *Work room.* When commercial laundries are used, a room for sorting, processing, and storing soiled linen shall be provided and shall have mechanical exhaust ventilation.

(c) *Period C.* In addition to the requirements of pars. (a) and (b), period C facilities shall have:

1. A soiled linen sorting room separate from the laundry, which shall be mechanically ventilated and under negative pressure.

2. A lavatory with both hot and cold running water, soap, and individual towels in the laundry area.

**(12) ISOLATION ROOM.** (a) *Period B.* Period B facilities shall

have available a room with handwashing facilities for the temporary isolation of a resident.

(b) *Period C*. For every 100 beds or fraction thereof, period C facilities shall have available one separate single room, equipped with separate toilet, handwashing, and bathing facilities, for the temporary isolation of a resident. The isolation room bed shall be considered part of the licensed bed capacity of the facility.

**(13) ROOMS FOR OTHER SERVICES IN PERIOD C FACILITIES.** (a) *Requirement*. Period C facilities which are licensed for skilled care shall have at least one room available for examinations, treatments, dental services, and other therapeutic procedures needed by residents.

(b) *Equipment*. The examination room shall be of sufficient size and shall be equipped to provide for resident needs.

(c) *Rooms for rehabilitative services*. Rooms for rehabilitative services shall be of sufficient size to accommodate necessary equipment and facilitate the movement of disabled residents. Lavatories and toilets designed for use by wheelchair residents shall be provided in these rooms.

**(14) ADMINISTRATION AND ACTIVITY AREAS.** In period C facilities:

(a) *Administration and resident activity areas*. Administration and resident activities areas shall be provided. The sizes of the various areas will depend upon the requirements of the facility. Some functions allotted separate spaces or rooms under par. (b) may be combined, provided that the resulting plan will not compromise acceptable standards of safety, medical and nursing practices, and the social needs of residents.

(b) Administration department areas shall include:

1. Business office;
2. Lobby and information center;
3. Office of administrator;
4. Admitting and medical records area;
5. Public and staff toilet room;
6. Office of director of nurses; and
7. Inservice training area.

(c) Resident activities areas shall include:

1. Occupational therapy;
2. Physical therapy;
3. Activity area; and
4. Beauty and barber shop.

**(15) MIXED OCCUPANCY.** Rooms or areas within the facility may be used for occupancy by individuals other than residents and facility staff if the following conditions are met:

(a) The use of these rooms does not interfere with the services provided to the residents; and

(b) The administrator takes reasonable steps to ensure that the health, safety and rights of the residents are protected.

**(16) LOCATION AND SITE.** For period C facilities:

(a) *Zoning*. The site shall adhere to local zoning regulations.

(b) *Outdoor areas*. A minimum of 15 square feet per resident bed shall be provided for outdoor recreation area, exclusive of driveways and parking area.

(c) *Parking*. Space for off-street parking for staff and visitors shall be provided.

**(17) SUBMISSION OF PLANS AND SPECIFICATIONS.** For all new construction:

(a) One copy of schematic and preliminary plans shall be submitted to the department for review and approval of the functional layout.

(b) One copy of working plans and specifications shall be submitted to and approved by the department before construction is

begun. The department shall notify the facility in writing of any divergence in the plans and specifications, as submitted, from the prevailing rules.

(c) The plans specified in pars. (a) and (b) shall show the general arrangement of the buildings, including a room schedule and fixed equipment for each room and a listing of room numbers, 174 **HFS 132.84** WISCONSIN ADMINISTRATIVE CODE

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together with other pertinent information. Plans submitted shall be drawn to scale.

(d) Any changes in the approved working plans affecting the application of the requirements herein established shall be shown on the approved working plans and shall be submitted to the department for approval before construction is undertaken. The department shall notify the facility in writing of any divergence in the plans and specifications, as submitted, from the prevailing rules.

(e) If on-site construction above the foundation is not started within 6 months of the date of approval of the working plans and specifications under par. (b), the approval shall be void and the plans and specifications shall be resubmitted for reconsideration of approval.

(f) If there are no divergences from the prevailing rules, the department shall provide the facility with written approval of the plans as submitted.

**History:** Cr. Register, July, 1982, No. 319, eff. 8-1-82; am. (3) (b) 2. and (13) (c), renum. (15) and (16) to be (16) and (17), cr. (15), Register, January, 1987, No. 373, eff. 2-1-87; am. (1) (b) 2., (2) (e) 1. c. and (5) (a); **CR 04-053: r. and recr. (3) and (4) and am. (6) (d) 12.** Register October 2004 No. 586, eff. 11-1-04.

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## CHAPTER 456

### NURSING HOME ADMINISTRATOR EXAMINING BOARD

456.01 Definitions.

456.02 Duties.

456.03 Licenses.

456.04 Examination requirements.

456.05 Examinations.

456.07 Registration.

456.08 Reciprocity.

456.09 Penalties.

456.10 Suspension and revocation.

456.11 Restoration of licenses and registrations.

Cross-reference: See definitions in s. 440.01.

Cross-reference: See also NHA, Wis. adm. code.

456.01 Definitions. In this chapter:

(1) "Examining board" means the nursing home administrator examining board.

(2) "Nursing home" has the meaning provided in s. 50.01 (3), plus includes all public medical institutions under ss. 49.70, 49.71 and 49.72.

(3) "Nursing home administrator" means any individual responsible for planning, organizing, directing and controlling the operation of a nursing home, or who in fact performs such functions, whether or not such functions are shared by one or more other persons.

(4) "Practice of nursing home administration" means the planning, organizing, directing and control of the operation of a nursing home.

(5) "Provisional license" is a temporary license issued to a provisional nursing home administrator under this chapter.

(6) "Provisional nursing home administrator" means an individual who has been licensed as such under this chapter.

History: 1975 c. 413 s. 18; 1979 c. 32 s. 92 (1); 1979 c. 124; 1983 a. 189; 1995 a. 27.

456.02 Duties. The examining board shall:

(1) Develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously granted by the examining board in any

case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(5) Subject to the rules promulgated under s. 440.03 (1), receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the examining board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(6) In cooperation with other agencies and appropriate organizations, conduct a continuing study of the practice of nursing



home administration within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such

standards with respect to administrators of nursing homes who have been licensed as such;

(7) Develop and enforce standards for the supervised practical experience to be required for licensure; and

(8) Appoint such advisory councils as are necessary for the proper and efficient administration of this chapter.

History: 1977 c. 418.

Cross-reference: See also NHA, Wis. adm. code.

456.03 Licenses. An applicant for a license as a nursing home administrator who has successfully complied with the requirements for licensure under this chapter and passed the examination shall be granted a license by the examining board, certifying that the applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice and otherwise hold himself or herself out as a duly licensed nursing home administrator.

History: 1975 c. 198; 1979 c. 162; 1991 a. 39.

Cross-reference: See also ch. NHA 4, Wis. adm. code.

456.04 Examination requirements. The examining board shall allow any person to take the examination for licensure as a nursing home administrator who satisfies all of the following requirements:

(1) Pays the fee under s. 440.05 (1).

(2) Subject to ss. 111.321, 111.322 and 111.335, does not have an arrest or conviction record.

(3) Is 18 years of age.

(4) Completes a regular course of study or equivalent specialized courses or a program of study which the examining board considers adequate academic preparation for nursing home administration.

History: 1971 c. 213 s. 5; 1975 c. 198; 1977 c. 29, 333; 1979 c. 337; 1981 c. 380; 1981 c. 391 s. 211.

Cross-reference: See also chs. NHA 2 and 3 and s. NHA 1.02, Wis. adm. code.

456.05 Examinations. The examining board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations. The examinations shall include examination of the applicant's knowledge of:

(1) The laws governing the operation of long-term care facilities and the protection of the interests, safety and well-being of the residents therein; and

(2) The elements of proper and effective administration of long-term care facilities; and

(3) The psychological, physical, medical and social needs of persons served in such facilities.

Cross-reference: See also chs. NHA 2 and 3, Wis. adm. code.

456.07 Registration. (1) Every individual who holds a license as a nursing home administrator issued by the department shall biennially apply to the examining board for a new certificate of registration and report any facts requested by the examining board on forms provided for such purpose.

(2) The application for a new certificate of registration shall include the applicable renewal fee determined by the department Updated 09-10 Wis. Stats. Database 2

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under s. 440.03 (9) (a) and evidence satisfactory to the examining board that during the biennial period immediately preceding application for registration the applicant has attended a continuation education program or course of study. During the time

between initial licensure and commencement of a full 2-year licensure period new licensees shall not be required to meet continuing education requirements. All registration fees are payable

on or before the applicable renewal date specified under s. 440.08 (2) (a).

(3) Upon approval of an application for registration the examining board shall issue a certificate of registration to the nursing home administrator.

(4) The license of a nursing home administrator who fails to comply with this section, and who continues to act as a nursing home administrator, may be suspended or revoked by the examining board.

(5) Only an individual who has qualified as a licensed and registered nursing home administrator under this chapter and who

holds a valid current registration certificate under this section for the current registration period may use the title "Nursing Home Administrator", and the abbreviation "N.H.A." after the person's name. No other person may use or be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to or intended to indicate that the person is a licensed and registered nursing home administrator.

History: 1977 c. 29; 1979 c. 162; 1991 a. 39; 2007 a. 20.

456.08 Reciprocity. The examining board may grant a nursing home administrator license under this chapter to a person who holds a nursing home administrator license issued by the proper authorities of any other state, upon payment of the fee specified in s. 440.05 (2) and upon submission of satisfactory evidence of the person's qualifications.

History: 1977 c. 29; 1991 a. 39.

456.09 Penalties. (1) No person may:

- (a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or
- (b) Practice as a nursing home administrator, under cover of any license or registration illegally or fraudulently obtained or unlawfully issued; or
- (c) Practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that the person is a nursing home administrator unless duly licensed and registered to so practice under this chapter; or
- (d) Practice as a nursing home administrator during the time his or her license or registration issued under this chapter is suspended or revoked; or
- (e) Otherwise violate this chapter.

(2) Any person who violates sub. (1) may be fined not more than \$1,000 or imprisoned for not more than one year in the county jail or both.

History: 1979 c. 162 ss. 35, 38 (7); 1981 c. 314.

456.10 Suspension and revocation. (1) Subject to the rules promulgated under s. 440.03 (1), the examining board may, under sub. (2), revoke, limit or suspend the license or registration of any person practicing or offering to practice nursing home administration or may reprimand, censure or otherwise discipline a licensee under this section if any of the following is applicable:

- (a) Proof is submitted that the licensee is unfit or incompetent by reason of negligence, habits or other causes.
- (b) Proof is submitted that the licensee has willfully or repeatedly violated this chapter or the rules enacted in accordance with this chapter.
- (bm) Proof is submitted that the licensee has willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which the licensee is the administrator.
- (c) Proof is submitted that the licensee is guilty of fraud or deceit in his or her admission to the practice of nursing home administration.
- (d) Proof is submitted that while the licensee was the administrator of a nursing home, that nursing home engaged in conduct that constituted a pattern of serious violations of federal or state statutes, rules or regulations.

(2) The examining board shall have jurisdiction to hear all charges brought under this section against persons licensed and registered as nursing home administrators or licensed as provisional nursing home administrators and upon such hearings shall determine such charges upon their merits. If the examining board determines that such person is guilty of the charges, the license or registration may be revoked or suspended or the licensee may be reprimanded, censured or disciplined.

History: 1977 c. 418; 1979 c. 355; 1997 a. 237; 1999 a. 85.

Cross-reference: See also ch. NHA 5, Wis. adm. code.

456.11 Restoration of licenses and registrations.

(1) The examining board may reinstate a license or registration to any person whose license or registration has been revoked. This subsection does not apply to a license or registration that is revoked under s. 440.12.

(2) Application for the reinstatement of a license or registration shall not be made prior to one year after revocation and shall be made in such manner as the examining board directs. This subsection does not apply to a license or registration that is revoked under s. 440.12.

History: 1997 a. 237.