

Chapter HSS 132

NURSING HOMES

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Note: Chapter H 32 as it existed on July 31, 1982 was repealed and a new chapter HSS 132 was created effective August 1, 1982.

Subchapter I — General

HSS 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.

HSS 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. HSS 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.

HSS 132.13 Definitions. In this chapter:

(1) "Abuse" means any single or repeated act of force, violence, harassment, deprivation, neglect or mental pressure which reasonably could cause physical pain or injury, or mental anguish or fear.

- (2) "Ambulatory" means able to walk without assistance.
- (3) "Department" means the Wisconsin department of health and social 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 either:
- (a) Is eligible for registration as a dietitian by the commission on dietetic registration of the American dietetic association under its requirements in effect on January 17, 1982; or
 - (b) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, and has one year of supervisory experience in the dietetic service of a health care institution.
- (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.
- (9) "Intermediate care facility" means a nursing home which is licensed by the department as an intermediate care facility to provide intermediate nursing care.
- (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

(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. HSS 132.71 (1) (b) 4; for change of linens, see s. HSS 132.60 (1) (a) 2; for toweling, see s. HSS 132.71 (1) (d).

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

(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

HSS 132.81 Scope and definitions. (1) **APPLICATION.** This subchapter applies to all facilities except where noted. Wherever the rules in ss. HSS 132.83 and 132.84 modify the applicable life safety code under s. HSS 132.82, these rules shall take precedence.

(2) **DEFINITIONS.** The definitions in the applicable life safety code required under s. HSS 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 ch. PW 2 before July 1, 1964, which is to be converted to nursing home use; a hospital approved under ch. HSS 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 ch. PW 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.

HSS 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. HSS 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) **BASIC FEE SCHEDULE.** The department shall charge nursing homes the following fees for review of plans for all capital construction and remodeling projects:

(a) For projects with an estimated dollar value of less than \$5,000, a fee of \$100;

(b) For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, a fee of \$300;

(c) For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, a fee of \$500;

(d) For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, a fee of \$750;

(e) For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, a fee of \$1,500;

(f) For projects with an estimated dollar value of at least \$1 million but less than \$5 million, a fee of \$2,500; and

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(g) For projects with an estimated dollar value of over \$5 million, a fee of \$5,000.

(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.

HSS 132.82 Life safety code. (1) **1967 CODE.** Facilities with construction plans first approved by the department prior to June 1, 1976, shall meet the applicable provisions of either the 21st edition (1967) or 23rd edition (1973) of the Life Safety Code. (See Table 132.82).

(2) **1973 CODE.** Facilities with construction plans first approved by the department on or after June 1, 1976, but before November 26, 1982, shall meet the applicable provisions of the 23rd edition (1973) of the Life Safety Code. (See Table 132.82).

(3) **1981 CODE.** Facilities with construction plans first approved by the department on or after November 26, 1982, shall meet the applicable provisions of the 25th edition (1981) of the Life Safety Code. (See Table 132.82).

(4) **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 (FSES), developed by the United States department of commerce, national bureau of standards, to establish safety equivalencies under the life safety code.

Note: See par. 1-3118, 1973 Life Safety Code. The FSES has been adopted for purposes of certification under the Medicaid program. See the July 28, 1980, Federal Register (45 FR 50264).

Note: Copies of the 1967 and 1973 Life Safety Codes and related codes can be obtained from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. Copies are kept on file in the offices of the bureau of quality compliance, the secretary of state, and the revisor of statutes.

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