

## Chapter HSS 3

### COMMUNITY-BASED RESIDENTIAL FACILITIES (CBRF)

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#### PREFACE

Any home or facility operated by an individual, a family, a partnership or a corporation, where 3 or more adults unrelated to the operator live and where they receive helping or supportive or protective services in addition to board and room, but not nursing care on any permanent basis, is called a community-based residential facility and is subject to regulation under ch. 50, Stats.

No home or facility may operate without being licensed each year by the department of health and social services. To be licensed, a home or facility must comply with the minimum standards and requirements found in these rules. Community-based residential facilities for 9 to 20 residents in existing buildings must also meet the building code requirements of ch. ILHR 61. All community-based residential facilities for 21 or more residents in existing buildings and all those newly constructed of any size must meet the relevant building code requirements of chs. ILHR 50-64. Newly constructed buildings for 3 to 20 residents must meet any additional construction requirements of ch. ILHR 61 which otherwise applies only to existing buildings.

While these rules are expected to satisfy the federal government requirement of standards for residential facilities housing supplemental security income (SSI) recipients who need protective oversight in addition to board and room, facilities will have to satisfy certain additional requirements if they expect to qualify for Title XIX reimbursement as intermediate care facilities or for HUD Section 8 funding. Facility operators should also realize that federal funding from any U.S. department of health, education and welfare (HEW) source could be jeopardized for failure to comply with Federal regulations implementing Section 504 of the Vocational Rehabilitation Act which prohibits discrimination in the provision of services to persons with physical or mental handicaps. While the significance of these regulations is not altogether clear in the case of residential services, it appears that accessibility requirements will affect at least all new construction begun after June 3, 1977.

#### Subchapter I — General Provisions

**HSS 3.01 Scope.** (1) Sections HSS 3.01 to 3.09 apply to all community-based residential facilities.

(2) Nothing in these rules prevents a community-based residential facility from complying with the requirements of a third party payer, nor do these rules force a community-based residential facility to comply with additional requirements of a third party payer.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.02 Statutory authority.** These rules are promulgated under s. 50.02, Stats., which gives the department authority to regulate community-based residential facilities. Statutory provision for the promulgation, administration and enforcement of these rules is contained in s. 50.03, Stats.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.03 Purpose.** (1) These rules establish minimum standards of care and service for community-based residential facilities, requiring them to safeguard and promote the health, safety, well-being, rights, and dignity of each resident.

(2) These rules are intended to ensure that all community-based residential facilities respect the rights of individual residents, provide an environment which is as homelike as possible and as least restrictive of each resident's freedom as is compatible with that resident's need for care and services, and provide such care and services

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and in such a manner that each resident is encouraged to move toward functional independence in daily living or to continue functioning independently to the extent possible.

(3) These rules are expected to encourage development of a range of community-based residential facilities designed to provide care, treatment, and other services to persons who have such need for supportive or protective services or supervision that they cannot or do not wish to live independently yet do not need the services of a nursing home or hospital.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.04 Community-based residential facility defined. (1) STATUTORY DEFINITIONS.** As defined in s. 50.01 (1), Stats., "community-based residential facility", abbreviated in these rules as CBRF, is "a place where 3 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility." "Primary function" is "the basic or essential care, treatment, or services provided to residents of a facility."

(2) **ADMINISTRATIVE INTERPRETATION.** Residency by 3 or more unrelated adults, combined with the provision of care, treatment or services above the level of room and board as a primary function to any one of the unrelated adults shall be sufficient to constitute a place as a CBRF. In determining whether a particular facility is required to be licensed as a CBRF, the following administrative interpretations shall apply:

(a) *Care, treatment or services.* Care, treatment or services above the level of room and board but less than nursing care means supervision and supportive services provided to persons who have needs which cause them to be unable to live independently in the community, but who do not require nursing home services. Supportive services may include but are not limited to the following services, as defined in these rules:

1. Information and referral.
2. Leisure time services.
3. Vocational services.
4. Transitional services.
6. Personal care.
7. Health monitoring and arrangement for health-related services.
8. Counseling services.

(b) *Unrelated adults.* An "unrelated adult" is any adult residing in a facility who is related to the licensee no closer than third cousin.

(c) *Primary function.* A service is provided as a primary function of the facility if:

1. The facility provides the service to a resident who has health, safety, or personal welfare related needs which make the resident unable to live in a residential setting in which the service is not provided.

(3) **EXCLUSIONS.** "CBRF" does not include:

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(a) Any facility required to be licensed as a nursing home.

(b) Any state, county or municipal prison or jail operated or regulated under ch. 53, Stats.

(c) Any convent or facility owned or operated exclusively by and for members of a religious order.

(d) Educational institutions and related student housing.

(e) A place that serves as a residence and meets all of the following conditions:

1. The individuals who reside there are able to walk;
2. The place does not directly provide or contract for any of the following to individuals who reside there:

- a. Personal care;
- b. Psychological, educational, social, chemical, medical or somatic techniques designed to provide care for, control, manage or ameliorate mental illness, alcoholism, drug dependency, a developmental disability, the infirmities of aging or a physical injury or disability.

c. Management, control or supervision of prescription medication; and

d. Any services other than information, referral, advocacy, job guidance, location and coordination of social services for which arrangements were made before the individual began to reside in the facility and, in the case of a crisis, arrangement for the provision of social services.

(f) A shelter care facility as defined under s. 46.97 (1) (d), Stats.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78; am. (2) (intro.) and (a) 6., r. (2) (a) 5., cr. (3) (e) and (f), Register, June, 1988, No. 390, eff. 7-1-88.

**HSS 3.05 Definitions.** For the purposes of this chapter, except as otherwise expressly noted:

(1) "Access or accessible" means the absence of barriers to a person with semiambulatory or nonambulatory disabilities or functional limitation caused by impairment of sight, hearing, coordination, or perception, to enter, leave and function within a CBRF without physical assistance.

(2) "Activities of daily living" means activities relating to the performance of self care and leisure or play activities. "Self care" includes dressing, feeding or eating, bathing, grooming, toileting, mobility, object manipulation, ambulation and rest.

(3) "Aging disabilities" means those manifestations of the aging process that significantly reduce mobility, flexibility, coordination, and perceptivity but are not accounted for under other disability categories.

(4) "Alcohol abuser" means a person who intentionally uses alcohol which has mind altering effects, for non-medical purposes in a manner which interferes with one or more of the following: physical health, psychological functioning, social adaptation, educational performance or occupational functioning.

(5) "Alcoholic" has the meaning assigned in s. 51.45 (2) (a), Stats.

- (6) "Capacity" means the maximum number of residents who may be accommodated in the facility at any time under the terms of the facility license.
- (7) "Complete smoke detector protection" means smoke detectors in all areas of the facility, including the basement, except that the kitchen and boiler room may be protected by heat detectors.
- (8) "Correctional residents" means persons under commitment by the courts through the criminal statutes to the department or to the county.
- (9) "Department" means the department of health and social services.
- (10) "Developmental disability" has the meaning assigned in s. 51.05 (5) (a), Stats.
- (11) "Drug abuser" means a person who intentionally uses a chemical substance (natural or synthetic), which has mind altering effects, for non-medical purposes in a manner which interferes with one or more of the following: physical health, psychological functioning, social adaptation, education performance or occupational functioning.
- (12) "Drug dependent" has the meaning assigned in s. 51.05 (8), Stats.
- (13) "Employee" means any person who works for the facility and receives compensation which is subject to state and federal employe withholding taxes.
- (14) "Existing building", for the purposes of this code, means one which was constructed and occupied, or ready for occupancy, at least 24 months prior to the date of first application for licensure as a CBRF or was certified or licensed as a foster home, halfway house, or residential care facility prior to the adoption of these rules.
- (15) "Habitable floor space" means the area of rooms with a ceiling height more than 5'6" used for the purpose of sleeping, living, cooking or dining.
- (16) "Habitable room" means any room used for the purpose of living, cooking or dining, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, administrative offices and similar spaces.
- (17) "Health monitoring" means the observation and documentation of physical health changes and the referral to the responsible health professional when health needs indicate.
- (18) "Hearing disability" means deafness or partial hearing loss to the extent that an individual may have difficulty perceiving audible signals or sounds.
- (19) "Intermittent nursing care procedures" means periodically scheduled or prescribed treatment that can be performed by licensed medical personnel and provided by an outside agency.
- (20) "Least restrictive" means the condition or environment which facilitates maximum opportunity for self-determination according to the individual capabilities and need of each resident.
- (21) "Mental illness" has the meaning assigned in s. 51.01 (13) (a), Stats.
- (22) "Mobile" means able to move from place to place, and includes the following levels:
- (a) "Ambulatory" means able to walk without difficulty or assistance.
  - (b) "Semiambulatory" means able to walk with difficulty or able to walk only with assistance of aids such as crutches, canes or walkers.
  - (c) "Nonambulatory" means not able to walk at all. Mobility can be gained with the assistance of wheelchair or hooyer lift.
- (23) "Nursing home services" means nursing care procedures which are provided in an institutional or group living situation to persons with long-term illnesses or disabilities and which can be provided safely only under 24-hour supervision of staff directed by no less than a licensed practical nurse.
- (24) "Occupant" means any person who lives and sleeps in the facility.
- (25) "Personal care" means assistance with the activities of daily living.
- (26) "Referral agency" means an agency with an ongoing responsibility for the follow up of the resident.
- (27) "Relative" means a person who is a spouse, parent, step-parent, child, step-child, sibling, grandchild, grandparent, aunt, uncle, great-aunt or great-uncle, niece, nephew, or first or second cousin of the CBRF licensee.
- (28) "Resident" means an unrelated adult who lives and sleeps in the facility and receives services above the level of room and board from the facility.
- (29) "Sight disability" means partial or full loss of sight to the extent that an individual's ability to perform functions of daily living is limited.
- (30) "Supervision" means monitoring residents in carrying out activities of daily living.
- (32) "Target group" means a class of residents with a need for similar services arising primarily out of a particular type of disability, including but not limited to the following:
- (a) Disabilities associated with the infirmities of aging.
  - (b) Social disabilities resulting in contact with the correctional system.
  - (c) Developmental disabilities.
  - (d) Past or existing emotional disturbance or mental illness.
  - (e) Alcoholism or other drug abuse.
  - (f) Physical disabilities.
  - (g) Social disabilities accompanying pregnancy.
- (33) "Temporary resident" means a resident who does not reside in the facility for more than 120 hours.
- (34) "Transitional services" (halfway house services) means supportive services to persons who currently or potentially are capable of meeting their activities of daily

living independently, but who temporarily need supervision, assistance, or counseling.

(35) "Volunteer" means any person who provides services for residents without compensation. Reimbursement of out of pocket expenses is not considered compensation.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; correction in (10) and (21) under s. 13.93 (2m) (b) 7, Stats., Register, September, 1984, No. 345; r. and recr. (2), am. (17), (25) and (30), r. (31), Register, June, 1988, No. 390, eff. 7-1-88.

**HSS 3.06 Licensing categories. (1) CATEGORY OF FACILITY.** CBRF are divided for licensing purposes into the following categories:

(a) A small CBRF is a CBRF which is licensed to accommodate 3 to 8 residents.

(b) A medium CBRF is a CBRF which is licensed to accommodate 9 to 20 residents.

(c) A large CBRF is a CBRF which is licensed to accommodate 21 or more residents.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.07 Limitations on admissions. (1) A CBRF may not admit or retain any person:**

(a) Who is in need of nursing home services.

(b) Who is bedfast, except that a person who is bedfast due to temporary incapacity and who is not in need of continuous nursing care procedures may be retained.

(c) Who is not mobile.

(d) Who is destructive of property or self, or physically or mentally abusive to others, unless the facility has identified the areas of risk and the measures taken to minimize this risk. This information shall be detailed in the program statement.

**Note:** See s. HSS 3.12.

(2) A CBRF may admit or retain a person with a need for intermittent nursing care procedures.

(3) Residents of decidedly different ages, developmental levels, and behavior patterns may not be housed together if the arrangement would be harmful to the health, safety and welfare of residents housed together. Residents who are deaf, blind, epileptic, nonambulatory but mobile, or otherwise disabled shall not be segregated on the basis of their handicap.

(4) Minors may be admitted as residents only if:

(a) The facility is licensed under ch. 48, Stats., or

(b) The minor has been adjudicated as an adult, or

(c) The minor is the child of an adult resident, or

(d) The admission is approved by the department.

(5) Denial of admission shall not be based on race, color, or national origin, or on handicap unless the facility is not licensed to admit persons with particular handicaps and cannot with reasonable accommodation modify the facility to meet such a licensing requirement.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; reprinted to correct error in (1) (a), Register, December, 1987, No. 384; r. and recr. (2), Register, June, 1988, No. 390, eff. 7-1-88.

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**HSS 3.08 Procedure for licensure. (1) APPLICATION FOR LICENSE.** The application for license shall be in writing upon forms provided by the department and shall contain such information as the department requires. The application shall be accompanied by the program statement prepared under s. HSS 3.12 and a floor plan indicating:

(a) The size and location of all rooms, doorways and hallways. Precise scale drawings are not required.

(b) The planned use of each room. The plan shall indicate the maximum number of occupants to be accommodated in each sleeping room.

(c) If the facility will accommodate semi-ambulatory or nonambulatory persons, which rooms will be open to occupancy by semi-ambulatory or nonambulatory persons and the type and extent of disability involved.

(2) **APPROVAL.** Within 70 days after receiving a complete application for a CBRF license, consisting of a completed application form, the program plan, the floor plan and supporting documents, and following an on-site survey by a designated representative of the department to determine whether or not the applicant is in compliance with all requirements of this chapter, the department shall either approve or deny the application. If the application is approved, the department shall issue a CBRF license. If the application is denied, the department shall specify the area of non-compliance, the applicant shall be given an opportunity to make the necessary changes, and the department shall make a new determination on the application within 30 days after the applicant notifies the department's representative that the necessary changes have been made.

(3) **ISSUANCE OF LICENSE.** The department will issue a license if all requirements for licensure are met.

(4) **RENEWAL.** Unless sooner revoked or suspended, a license is valid for one year. Annually at such time and in such form as the department requires, the applicant shall submit a current program plan and application for renewal of the license. If the application is approved, the license will be renewed for an additional one-year period. If application for renewal is not filed on time, the department will issue a warning to the licensee. If application for renewal is not made within 30 days thereafter, the license will be canceled. (s. 50.03 (4) (c), Stats.)

(5) **CONTENT OF LICENSE.** Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. The license shall be available for review in the community-based residential facility. Any license granted shall state the maximum bed capacity allowed, the person to whom the license is granted, the date, the expiration date, the minimal services which the CBRF shall provide as a condition of its licensure and such additional information and special limitations as the department may prescribe. (s. 50.03 (4) (e), Stats.)

(6) **RIGHT TO FAIR HEARING.** In the event that the department denies, revokes, suspends, or does not renew a license, the facility has a right to an administrative hearing. For revocation, suspension, or nonrenewal, that hearing must be held prior to the effective date of the department's action.

Note: See s. 50.03 (5), Stats.

**(7) EXCEPTIONS TO THE RULE.** (a) The department may waive or grant variances to the requirements of these rules if:

1. Strict enforcement of the rule would result in unreasonable hardship on the facility and the waiver or variance is in accordance with the particular needs of residents and will not adversely affect the health, safety, welfare or rights of residents;

2. The waiver or variance is part of a written program plan designed to test alternative methods of delivering CBRF services, and the waiver or variance will not adversely affect the health, safety, welfare or rights of residents; or

3. Intermediate care facilities which have 15 or fewer beds are exempted from meeting certain requirements of the federal regulations, in which case they may be exempted from the corresponding requirements of these rules.

(b) The department may impose specific conditions on a waiver or variance in order to protect the health, safety, rights or welfare of residents. Violation of the conditions under which a waiver or variance is granted constitutes a violation of these rules.

History: Cr. Register, August, 1978, No. 272, eff. 10-1-78; r. and recr. (2), Register, October, 1985, No. 358, eff. 11-1-85.

**HSS 3.09 Requirements of other public agencies.** (1) DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS. Each CBRF shall comply with all applicable statutes and rules of the department of industry, labor and human relations affecting health, safety and hygiene.

(a) Small existing CBRF are exempt from chs. ILHR 50-64, except for:

1. Any CBRF located in a residential building having:

a. Three or more units other than a duplex.

b. Any portion of which is occupied by any person who is not a resident, employe, or relative of an employe of the facility.

2. Any CBRF located in a building any portion of which is used as a place of employment, other than those directly related to operation of the home, or part of a work therapy program, or an independent work project arranged and undertaken by an individual resident.

(2) LOCAL ORDERS. (a) Any local orders of municipalities concerning building safety and hygiene shall be consistent with uniform, statewide regulation of CBRF.

(b) In setting regulations, villages, cities and towns shall consider the residents' needs and abilities, the increased cost in relation to proposed benefits to be received, the services to be provided by the facility, the relationship between the physical structure and the objectives of the program conducted in the facility and the primary functions of the facility.

Note: Refer to the rules of the department of industry, labor and human relations for construction requirements pertaining to all other CBRF. Medium CBRF in preexisting buildings are subject to ch. ILHR 61. All newly constructed CBRF are subject to chs. ILHR 50-64. CBRF intending to utilize federal funds may have to comply with other requirements in addition to

those outlined herein, such as NFPA 101 — Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

History: Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. am. eff. 8-20-79; am. (1), Register, December, 1979, No. 288, eff. 1-1-80; correction in (1) (a) (intro.) under s. 13.93 (2m) (b) 7., Stats., Register, September, 1984, No. 345.

## Subchapter II — Administrative Management

**HSS 3.10 Scope.** Sections HSS 3.10 to 3.16 apply to all CBRF.

History: Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.11 Licensee.** (1) QUALIFICATIONS. (a) The licensee shall have evidence of financial stability to permit operation of the facility for a period of at least 45 days.

Note: Program contracts or agency agreements would meet the intent of this requirement.

(b) The licensee and whomever is appointed by the licensee to manage the CBRF shall be persons of good moral character. In assessing moral character, the department may consider: evidence of abuse, fraud or substantial and repeated violations of applicable laws and rules in the operation of any health or social care facility or service organization, or in the care of dependent persons, or conviction within the previous 5 years of a crime substantially related to a dependent population.

(2) RESPONSIBILITIES. (a) The licensee shall be responsible for compliance with all laws governing the facility and its operation.

(b) The licensee shall, in advance, give 90 days notice of the intent to close to the department and any referral agency with placement responsibility if it appears there shall be insufficient financial resources to continue operation.

(c) Except where the facility is closed due to an emergency or due to final action by the department revoking or refusing to renew the license, the licensee shall notify the department and any referral agency with placement responsibility 90 days in advance of closing the facility or any portion of the facility when 3 or more residents will be displaced. The license shall be surrendered when the facility is closed.

(d) The licensee shall be responsible for having a competent adult on duty and awake at all times if any resident is in need of continuous care as indicated in the resident's service plan.

(e) The licensee shall be responsible for ensuring that resident and employe records are adequately safe-guarded against destruction, loss or unauthorized use, and are retained for a minimum of 3 years after termination.

(f) The licensee shall be responsible for ensuring that all occupants of the facility in addition to residents are in such physical and mental health that they will not adversely affect the health, safety, or personal welfare of residents.

(3) AVAILABILITY OF RESPONSIBLE PERSON. (a) If the licensee is not the CBRF manager, the licensee shall notify the department of the name of the person responsible for day-to-day management of the CBRF.

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1. The person named CBRF manager who is responsible for day-to-day management of the CBRF or designee shall be available when residents are in the facility.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.12 Program statement.** (1) **CONTENT OF STATEMENT.** The facility shall have a written program statement of services which shall be submitted with the application for license or license renewal and which shall be available to staff, residents and members of the public. The program statement shall include but need not be limited to the following elements:

(a) *Classification by size.* The planned type and capacity of the facility which shall separately state the maximum number of residents and of other occupants to be accommodated.

(b) *Classification by population served.* The class of CBRF per s. HSS 3.41 (1) and whether or not the facility plans to accommodate ambulatory, semiambulatory, or nonambulatory persons, or combinations thereof, and the type of disability which the facility is designed to serve.

(c) *Admissions policy.* The characteristics of the resident population to be served, including:

1. The target groups to be served, and the approximate proportion of each target group to the total resident population.

2. Limitations on admissions or special characteristics of the resident population which affect the service program or suitability of the building in which the facility is located.

3. Documented procedures for screening for communicable disease prevention.

(d) *Program goals and services.* The program goals of the facility shall be clearly defined and justified in terms of residents' needs. Service description shall include:

1. Staff assignments to accomplish program goals.

2. A description of community resources which will be used to meet service needs and a description of the facility's relationships or agreements with those resources to guarantee availability of needed services.

*Note:* Program statements shall be approved by program units of the department.

(2) **CONFORMITY OF PRACTICE TO STATEMENT.** The facility shall follow its program statement. Changes in program elements which do not violate these rules or the terms of the license may be made but shall be documented and available to the department.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.13 Personnel policies.** (1) **NUMBERS.** Sufficient staff shall be available to carry out program goals.

(2) **WRITTEN POLICIES.** The CBRF's personnel policies shall be in writing and shall be available to all its employees.

(3) **JOB DESCRIPTIONS.** Written job descriptions shall be available for all positions and shall outline the duties, responsibilities and qualifications required for each position.

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tion. Each employe shall be thoroughly familiar with the employe's duties and responsibilities described therein.

(4) **JOB QUALIFICATIONS.** Each employe shall have the physical and emotional capacity to adjust to problems involved in the care and supervision of persons having physical, social, or mental disabilities.

(5) **COMMUNICABLE DISEASE CONTROL.** (a) There shall be documentation by a physician or a professional registered nurse that each employe is free from communicable disease and is not a known carrier of a communicable disease. The documentation is to be done within 90 days prior to employment and annually thereafter.

(b) The licensee shall have written policies in effect to assure that persons with symptoms or signs of communicable disease are not permitted to work in a CBRF.

(6) **EMPLOYEE'S PERSONNEL RECORD.** A separate personnel record shall be kept current on each employe. It shall include the following essential information:

(a) Name and address of employe.

(b) Social security number.

(c) Date of birth.

(d) Date of employment.

(e) Job related experience and orientation.

(f) Educational qualifications.

(g) Date of discharge or resignation.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.14 Admissions agreement.** (1) **SPECIFICATIONS.** There shall be a written admissions agreement with each resident, except a temporary resident. The agreement shall be completed prior to or within 7 days after admission and shall be dated and signed by the licensee or the licensee's representative, and by the resident or resident's guardian. The agreement shall specify:

(a) The services to be provided by the facility.

(b) The basic daily rate, and the charges for any services not covered in the daily rate.

(c) The source of payment and when it is to be made. If payment is by a third party, the agreement shall specify services available but not covered by the third party, and the charges for those services.

(d) The refund policy.

(2) **RESTRICTIONS.** No provision of any admissions agreement may:

(a) Be contrary to these rules.

(b) Purport to release the licensee from any requirement of these rules.

(c) Purport to waive any right guaranteed to residents by law.

(d) Mislead the resident as to the resident's legal rights and responsibilities.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.15 Resident record.** (1) A record for each resident, except a temporary resident, shall be kept and shall be available only to the resident, the resident's guardian, employes directly involved with the resident, authorized representatives of the department, third party payer, and others authorized by the resident or as otherwise required by law. Copies of a record shall be made available to a resident or a resident's guardian or designated representative at a cost no greater than the cost of reproduction. The record shall include:

(a) Identification information and admission data, including:

1. Resident's full name, sex, date of birth and social security number.
2. Home address or last known address.
3. Name, address and telephone number of nearest kin, designated representative and guardian, if any.
4. Medical and social history when available.
5. Current personal physician if any.

(b) Results of initial and annual health assessments or medical examinations, significant incident and illness reports, service plans and evaluations if developed by CBRF staff, reason for discharge and other records as required by the department.

(c) Summary reports of all program identified services required to be provided the resident within the facility and a listing of services provided by community agencies through formal agreement with the facility, to include:

1. Description and dates of services rendered.
2. Changes in resident status and subsequent recommendations concerning future service needs.
3. Date of service termination and the reason.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.16 Notice of change affecting the resident.** (1) **CHANGES IN STATUS.** The CBRF shall provide notice of significant changes in resident status to the resident, resident's guardian, designated representative, responsible professional, referral agency, and third party payer. These changes include but are not limited to:

(a) Thirty day notice shall be given of transfer or discharge, except where agreeable to the resident, or in an emergency, or as indicated in the program statement.

(b) Thirty day notice shall be given of changes in services available or in charges for such services that are to be in effect for more than 30 days unless otherwise required by law.

(c) Notice shall be given within 48 hours of significant physical injury, significant adverse change in physical or mental condition, or any unusual occurrence which threatens the health, safety, welfare or rights of the resident, including suspected abuse or exploitation of the resident by any person and unexplained absence of the resident.

(2) **ACCIDENTS.** Reports shall be made of all significant incidents or accidents involving the resident and shall include time, place, details of incident or accident, and any

action taken. If injury or sudden adverse change in the physical condition of a resident is involved, the facility shall immediately arrange for needed care. The resident's physician or designee shall be notified immediately of major illness or injury.

(3) **SUSPECTED ABUSE OR EXPLOITATION.** If services are being delivered to a resident by an outside provider the facility shall in cases of suspected abuse or exploitation, document such incidents in the resident's file and report such incidents to the provider and to the resident's guardian or designated representative. If the problem is not corrected, a referral shall be made to the department.

(4) **DEATH OF RESIDENT.** Upon the apparent death of a resident:

(a) The facility shall immediately notify the resident's physician, nearest kin, designated representative, and guardian if any.

(b) The date, time and circumstances of the resident's death shall be recorded in the resident's record, including the name of the person to whom the body was released.

(c) The resident's personal belongings including all funds shall be available to the resident's guardian, designated representative or next of kin during regular business hours.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

### Subchapter III — Service Requirements

**HSS 3.20 Scope.** Sections HSS 3.20 to 3.29 apply to all CBRF.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.21 General requirements.** (1) Required program services as identified in s. HSS 3.23 shall be provided directly or through formal agreements with other agencies or persons and records of such arrangements shall be made unless otherwise arranged by the resident.

(2) Services shall be planned and delivered in a place, manner, and under arrangements that will achieve and maintain the maximum level of independent functioning for each resident.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.22 Individualized service plan.** (1) An individual service plan, setting forth goals to be accomplished through services provided or arranged for by the CBRF, prescribing an integrated program of individually designed activities and services necessary to achieve such goals, and indicating which professional services or individuals are responsible for each element of care or service prescribed in the plan must be formulated in writing within 30 days of admission, reviewed at least semi-annually, and summarized at termination.

(a) When the needs of a resident undergo substantial change, a plan review and adjustment shall be made.

(b) The resident and the program staff shall be involved in planning and reviewing the resident's service plan. Program staff could be the staff of the referral agency.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

## HSS 3.23

**HSS 3.23 Program services. (1) INFORMATION AND REFERRAL.** Information and referral services shall be available.

**(2) LEISURE TIME SERVICES.** Leisure time services shall be provided or otherwise arranged by the CBRF as indicated by the needs and interests of the resident.

**Note:** These services may include normal home activities such as reading, watching T.V., listening to music, and include community activities such as movies and picnics.

**(3) PERSONAL CARE. (a)** Personal care shall be provided or arranged for by the CBRF where indicated by the needs of the residents. These services shall be identified in the resident's individual service plan.

**(b)** When the needs of the resident must be met by personal care services ordered by a physician and supervised by a registered professional nurse, referral for services shall be made to an agency approved by the department, which might be but need not be a home health agency, a social service agency, or a licensed nursing home.

**(4) MEDICATIONS. (a)** Medicines shall be self-administered by a resident unless otherwise ordered by the physician.

**(b)** There shall be a written order for any prescription medications, treatments, physical therapy or medically modified diets provided or arranged by the CBRF.

**(c)** When medications must be controlled by the CBRF the staff shall make sure that:

1. All medications have a label permanently attached to the outside of the container which identifies its contents.

2. The label of each individual prescription medication shall clearly indicate the resident's name, physician name, prescription number, name and dosage of medication, directions for use, date of issue, expiration date of all time-dated medication, and name, address and telephone number of the pharmacy issuing the medication. If the label is not clear, the pharmacy should be contacted and information clarified.

3. Unit dose medication shall remain in the identifiable unit dose package until given to the resident.

a. The unit dose supply shall not exceed 3 days for any resident.

4. Cabinets for storage of medications shall be large enough to accommodate the number of medications on hand.

a. Medicine cabinets shall be kept locked and the key available only to personnel identified by the CBRF.

b. Medications requiring refrigeration which are stored in a common refrigerator shall be kept in a locked box and properly labeled.

5. The CBRF shall destroy discontinued medications.

6. If schedule II drugs of the Controlled Substances Act of 1970 are administered, a proof of use record shall be maintained.

7. Medication errors and adverse drug reactions shall be reported to the attending physician. All medication errors shall be documented in writing.

**(d)** When medicines are self-administered and a medication error or adverse drug reaction comes to the attention of the CBRF, it shall be documented in writing and reported to the attending physician.

**(e)** Medications shall not be stored next to household chemicals.

**(5) HEALTH MONITORING. (a)** There shall be an initial health assessment by no less than a registered professional nurse or a medical examination by a physician within 90 days prior to admission or 3 working days after admission to identify health problems and to screen for communicable disease.

**(b)** Each resident shall have a follow-up health assessment annually after admission unless the resident is being seen regularly by a physician.

**(c)** The CBRF shall arrange for medically related services for residents with medical needs unless otherwise arranged for by the resident.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; am. (3) (a), Register, June, 1988, No. 390, eff. 7-1-88.

**HSS 3.24 Food services. (1) GENERAL FOOD REQUIREMENTS. (a)** Food to meet the nutritional needs of the individual resident shall be provided.

**(b)** At least 3 meals a day shall be provided unless otherwise arranged by the resident according to the program statement or individualized service plan.

**(c)** There shall be reasonable adjustments to the food likes, habits, customs, conditions and appetites of all individual residents.

**(d)** Residents shall not be routinely served meals in their bedrooms.

**(2) MODIFIED OR SPECIAL DIETS.** Modified or special diets and dietary supplements shall be provided as ordered by the resident's physician.

**(3) MENU PLANNING. (a)** Menus for general and modified diets for the day shall be readily available to the residents except in the small CBRF.

**(b)** Each week's menu as served shall be dated and kept on file until the next licensure survey.

**(4) FOOD SUPPLY. (a)** Supplies of perishable foods for at least a 24-hour period and of non-perishable foods for at least a 3 day period shall be on the premises.

1. Only fluid milk which meets the grade A milk standards set out in ch. ATCP 63 shall be used for beverage purposes unless the milk is produced on the premises and is pasteurized under sanitary conditions. Bulk milk dispensers may be used if they meet acceptable sanitation standards.

2. Any powdered milk used for cooking purposes shall meet grade A standards, or if not grade A, it shall be brought to a temperature of at least 165°F. (74°C.) during the cooking process.

3. Eggs and egg mixtures shall be refrigerated at all times.



4. No hermetically sealed food which has been processed in a place other than the premises of the CBRF or a commercial food processing establishment shall be used.

5. Foods frozen or otherwise preserved by the facility shall be processed under controlled conditions using methods currently recommended by the bureau of home economics, U.S. department of agriculture.

(b) A reasonable variety of foods shall be provided.

(c) If residents must be away from the facility during meal time, adequate food shall be provided if requested by the resident.

(5) **FOOD STORAGE.** All food and drink shall be stored so as to be protected from dust, insects, vermin, rodents, unnecessary handling, overhead leakage, condensation, sewage waste, water backflow, or other contamination.

(a) All readily perishable foods shall be refrigerated, at or below 40° F. (4°C.), and covered and stored in an orderly sanitary manner.

(b) Freezing units shall be maintained at 0°F. (-18°C.) or below and foods to be stored in a freezer shall be wrapped, identified and labeled with the date received.

(6) **FOOD PREPARATION.** Food shall be properly protected from contamination while being prepared and served and shall be prepared as close to serving time as possible.

(a) Raw fruits and vegetables and poultry shall be washed thoroughly.

(b) Hot foods shall be kept at 150° (66°C.) or above and cold foods at 40° (4°C.) or below until serving. Reusable leftovers shall be refrigerated promptly.

(c) Prepared foods shall not be cut on the same surfaces as are used for raw food preparation unless these surfaces are washed between operations.

(d) The kitchen shall be located on the premises, or a satisfactory sanitary method of transportation of food shall be provided.

(e) Food returned from resident plates shall be discarded.

(7) **SANITATION - PERSONNEL.** (a) Clean and safe work habits shall be maintained by all personnel who prepare or serve food.

(b) Personnel showing evidence of open, infected wounds, or communicable diseases to include diarrhea and jaundice among others, shall be relieved of their duties until such conditions are corrected.

(c) Adequate and convenient handwashing facilities shall be provided in the kitchen for use by food handlers, including hot and cold running water, soap, and disposable towels. Use of a common towel is prohibited.

(8) **SANITATION - WORK AREAS AND EQUIPMENT.** (a) Work areas and equipment shall be clean and orderly.

(b) Cleaning compounds, soaps, polishes, insecticides, and toxic substances shall be labeled and stored in an area separate from that used to store food.

(c) All utensils shall be maintained in a clean condition and cleaned after each use with soap and hot water.

(d) Utensils shall be stored in a clean, dry place, shall be covered or inverted, and protected from contamination.

(e) Disposable single-service utensils shall not be reused.

(f) Common drinking glasses or cups shall not be used.

(9) **GARBAGE AND RUBBISH DISPOSAL.** Garbage and rubbish not disposed of by mechanical means shall be kept in leak-proof, non-absorbent, tightly closed containers and removed daily in a manner that will not constitute a health hazard.

(a) All containers shall be thoroughly cleaned as often as necessary.

(b) Disposable containers and disposable liners of permanent containers shall be discarded after one use.

(10) **PEST CONTROL.** There shall be safe, effective procedures for exclusion and extermination of insects, rodents and vermin.

*History: Cr. Register, August, 1978, No. 272, eff. 10-1-78; correction in (4) (a) 1 made under s. 13.93 (2m) (b) 7, Stats., Register, August, 1994, No. 464.*

#### Subchapter IV — Resident Rights

**HSS 3.30 Scope.** Sections HSS 3.30 to 3.31 apply to all CBRF.

*History: Cr. Register, August, 1978, No. 272, eff. 10-1-78.*

**HSS 3.31 Rights of residents.** (1) Rights shall be guaranteed as follows:

(a) Individuals have basic human rights which they do not forfeit when they enter a CBRF. All individuals requiring placement in a CBRF have the right to prompt treatment and supportive services appropriate to their needs. Residents also have the right to the least restrictive conditions necessary to achieve the purpose of admission.

(b) Section 50.09 Stats., identifies specific rights of CBRF residents and prescribes mechanisms to resolve complaints and to hold the CBRF licensee accountable for violating those rights. Other statutes, such as chs. 46, 51, 54, 55, 57, 880, Stats., and related administrative codes, further clarify, restrict, or restore a resident's rights, according to the legal status of the resident. Federal regulations include resident rights sections applicable to Title XIX funded facilities which may be licensed as CBRF. The licensee shall comply with all related statutes and regulations.

(c) CBRF staff shall explain resident rights to the residents and shall document such explanation.

(d) The CBRF shall have a complaint procedure and shall explain this procedure to the residents. A written copy shall be given to the resident or the resident's guardian.

(e) The licensee shall protect the civil rights of residents as these rights are defined in the U.S. Constitution, the Civil Rights Act of 1964, Section 504 of the Rehabilitation

Act of 1973, and all other relevant federal and state statutes.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

### Subchapter V — Physical Environment and Safety

**HSS 3.40 Scope.** Sections HSS 3.40 to 3.44 apply to all CBRF.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.41 Physical environment. (1) CLASSES OF CBRF. (a) Class A.** Class "A" CBRF serve residents all of whom are ambulatory and capable of following directions and taking independent action for self-preservation under emergency conditions.

(b) *Class B.* Class "B" CBRF serve residents one or more of whom are semiambulatory or nonambulatory but all of whom are mentally and physically capable of taking independent action for self-preservation under emergency conditions.

(c) *Class C.* Class "C" CBRF serve residents one or more of whom are not physically or mentally capable of taking independent action for self-preservation under emergency conditions.

(2) **RESIDENT BEDROOMS. (a) Design and location. 1.** Resident bedrooms shall be designed and equipped for the comfort and privacy of the resident and be equipped with or conveniently located near toilet and bathing facilities.

2. Resident bedrooms shall be enclosed by full-height partitions and rigid, swing-type doors, shall not be used to gain access to any other part of the facility or to any required exit, and shall not be used for purposes other than as sleeping and living space for the bedroom residents.

(b) *Capacity.* A resident bedroom shall accommodate no more than 4 persons except that a CBRF licensed after January 1, 1979 shall accommodate no more than 3 persons per bedroom and new construction shall accommodate no more than 2 persons per bedroom.

(c) *Ambulatory residents.* Each resident bedroom shall provide not less than 60 square feet of habitable floor space per ambulatory resident.

(d) *Bed arrangements. 1.* Beds shall be located the minimum distance from heat producing sources recommended by the manufacturer or 18 inches whichever is greater.

2. There shall be least 3 feet between beds where the space is necessary for resident or staff access.

(e) *Semiambulatory and nonambulatory residents.* Each resident bedroom shall provide not less than 80 square feet of habitable floor space per semiambulatory or nonambulatory resident in multiple sleeping rooms, and not less than 100 square feet in single rooms. Mobility space at the end and one side of each bed shall be not less than 4 feet. Adequate accessible space for storage of the residents' wheelchairs or other adaptive or prosthetic equipment shall be provided and shall be readily accessible to the resident.

(f) *Equipment and supplies.* Each resident shall be provided with:

1. A separate bed of proper size and height for the convenience of the resident. Beds shall be at least 36 inches wide and shall be equipped with good springs and a clean, firm and comfortable mattress in good condition. Sofa beds are permitted when residents want them. Married couples may be provided with a double bed.

2. Drawer space available in the bedroom for personal clothing and possessions and closet or wardrobe space with clothes racks and shelves accessible to the resident.

(3) **BEDDING AND LAUNDRY. (a)** There shall be separate clean linen and dirty linen storage areas.

(b) Each resident shall have:

1. A clean pillow.

2. A mattress pad.

3. Mattress and pillow covers as necessary to keep mattresses and pillows clean and dry.

4. Two blankets, 2 sheets and a pillowcase.

5. A washcloth, hand towel and bath towel.

(c) Clean sheets, pillowcases, towels and washcloths shall be available at least weekly and shall be changed as necessary to assure cleanliness and freedom from odors.

(d) Laundry appliances shall be readily available to residents who are responsible for doing their own laundry.

1. At least one washer and one dryer shall be available to every 20 residents.

(4) **HABITABLE FLOOR SPACE. (a)** The arrangement and furnishing of the CBRF shall be such that the resident may spend the majority of nonsleeping hours outside of the sleeping area. The CBRF shall provide additional habitable floor space, other than required floor space in sleeping rooms, as follows:

1. Minimum combined areas for resident dining and living shall be 60 square feet per resident. These areas shall be increased by 50% for use by nonambulatory mobile residents. This increase applies also to dining areas serving disabled residents who require assistance with eating.

2. Dining facilities shall be large enough to satisfy program needs.

(b) All required dining and living areas within the building shall be internally accessible to every resident of the CBRF.

(c) Each habitable room shall contain furnishings appropriate to the intended use of the room. Furnishings shall be safe for use by residents and shall present a comfortable, clean and orderly appearance.

(5) **HEATING.** The facility shall have a heating system capable of maintaining a temperature of 68°F (20°C). The temperature in habitable rooms shall not be permitted to fall below 68°F (20°C) during periods of occupancy, except that class A and B CBRF may reduce temperatures during sleeping hours to 65°F (18°C).

(6) **BATH AND TOILET FACILITIES.** (a) *Bath and toilet rooms.* 1. Each small CBRF shall have at least one separate bath and one separate toilet room or one combination bath/toilet room for the use of residents which is accessible from public, nonsleeping areas, except where private bath and toilet rooms are adjacent to each sleeping room.

2. Each medium CBRF shall have at least 2 separate bath and toilet rooms or 2 combination bath/toilet rooms for the use of residents which are accessible from public, nonsleeping rooms, except where private bath and toilet rooms are adjacent to each sleeping room.

3. All bath and toilet areas shall be well lighted. Bath and toilet rooms shall be provided with at least one electrical fixture to provide artificial light.

4. Toilets, bathtubs and showers used by residents shall provide for individual privacy unless specifically contraindicated by program needs. Door locks shall be provided to ensure privacy, except where the toilet, bath or shower room is accessible only from a resident room which is occupied by only one person or by a married couple or by persons who are all related by blood. All door locks shall be operable from both sides in an emergency.

5. Toilet and bathing areas and fixtures shall approximate normal patterns found in residential construction, except where special requirements are applicable for handicapped persons or for special program needs.

6. All toilet and bathing areas, facilities, and fixtures shall be kept clean, in good repair, and in good working order.

(b) *Location.* 1. In class "A" CBRF, toilet and bathing areas for residents shall be so distributed that the maximum vertical travel distance from resident living, dining and sleeping rooms is no more than one floor level.

2. In class "B" and "C" CBRF, toilet and bathing areas for residents shall be available on each inhabited floor.

(c) *Number of fixtures.* 1. Water closets and sinks shall be provided in the ratio of at least one toilet and at least one sink for every 8 residents and other occupants or fraction thereof. At least one bathtub or shower shall be available for every 10 residents and other occupants or fraction thereof.

a. Facilities licensed under H30 at the date of promulgation of this rule shall have a ratio of at least one bathtub or shower for every 20 residents.

2. Where fixtures are accessible only through a sleeping room, they may be counted as meeting the requirement for only the occupants of the sleeping room.

(d) *Accessibility.* Each class "B" and "C" CBRF shall have a sink, toilet and bathtub or shower equipped for resident needs.

(e) *Water supply.* 1. Each sink, bathtub and shower shall be connected to hot and cold water and adequate hot water shall be supplied to meet the needs of the residents.

2. In facilities serving residents with physical or mental disabilities which impair ability to adjust water temperature or ability to react to and withdraw from dangerously hot water, the temperature of water at taps or fixtures in

sinks, showers and tubs used by residents shall be automatically regulated by valves and may not exceed 110°F (43°C), except that where such residents are receiving active, supervised training in adjusting water temperatures encountered in normal living situations the temperature may be up to 140°F (60°C).

3. Where a public water supply is not available, the well or wells shall be approved by the state department of natural resources. Water samples from an approved well shall be tested at the state laboratory of hygiene or a state approved laboratory at least annually.

(7) **CLEANLINESS OF ROOMS.** Rooms shall be kept clean, well-ventilated and tidy.

*History:* Cr. Register, August, 1978, No. 272, off. 10-1-78.

**HSS 3.42 Safety.** (1) **EMERGENCY PLAN.** Each CBRF shall have a written plan on file which specifies action and procedures for meeting emergency situations, including fire, serious illness, severe weather and missing persons. Procedures for orderly evacuation of residents in case of emergency shall be included in the plan and shall be available to staff. The procedures shall be clearly communicated by the staff to the residents within 72 hours of admission and practiced at least quarterly with both staff and residents. Evacuation procedures involving local fire department personnel shall be practiced at the option of the local fire department.

(2) **FIRE PROTECTION CONTRACT.** Where the CBRF is located in a city, village or township that does not have an officially 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 part of the license application.

(3) **FIRE INSPECTION.** (a) The licensee of the CBRF shall arrange for:

1. At least annual inspection of the home by the local or contracted fire authorities.

2. Certification by the local or contracted fire authority as to the adequacy of the written plan for orderly evacuation of residents in case of fire, as well as to the fire safety of the home.

(4) **SMOKING.** Smoking shall be covered by regulations developed by the licensee of the facility.

(5) **FIRE EQUIPMENT.** All fire protection equipment shall be maintained in readily usable condition and inspected annually. At least one fire extinguisher with a minimum 2A, 20-B-C rating shall be provided on each floor. Such fire extinguishers shall be located at the head of each stairway. In addition, extinguishers shall be located so that a maximum area per extinguisher of 3000 sq. ft. is not exceeded and travel distance to an extinguisher does not exceed 75 feet. The extinguisher on the kitchen floor level shall be mounted in or near the kitchen. Each extinguisher shall be provided with a tag for the date of inspection.

(6) **EXTINGUISHER MOUNTING.** Extinguishers shall be mounted on a wall or a post where they are clearly visible and mounted so the top is not over 5 feet high. They shall not be tied down, locked in a cabinet, or placed in a closet

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or on the floor except that they may be placed in a clearly marked, unlocked wall cabinet used exclusively for that purpose.

(7) LIGHTS. Candles and other open flame lights shall not be permitted as a substitute for the building lighting system.

(8) FLOORS AND STAIRS. Floors and stairs shall be maintained in a non-hazardous condition.

(9) MAINTENANCE OF EXITS. Sidewalks, driveways, fire escapes and entrances shall be kept free of ice and snow.

(10) DOOR LOCKS. The employe in charge of the facility on each work shift shall have a key or other means of opening all locks or closing devices on all doors in the home, except as limited by statute or rules.

(11) FIRST AID. Every facility shall have on the premises a first aid kit. The kit shall be maintained in a place known to and readily available to all personnel responsible for the health or well-being of residents, and such personnel shall be instructed in acceptable emergency first aid procedures.

History: Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.43 Smoke detectors.** (1) Smoke detectors shall be provided on each floor. Those on the upper floors shall be located at the top of each stairway. If smoking or the use of cooking appliances is permitted in sleeping rooms, each sleeping room shall have a smoke detector.

Note: Chapter 388 of the Laws of 1977 requires that a CBRF on which construction began on or after May 23, 1978 shall have a smoke detector in each sleeping area of the facility as well as in the basement and at the head of the stairway on each floor level.

(2) Smoke detectors shall be installed and tested and maintained in accordance with the manufacturer's recommendation and tested not less than once per month.

(3) Corridors shall be provided with detectors spaced not further apart than 30 feet from the center of one detector to the center of another and not more than 15 feet from any wall.

(4) Smoke detectors installed under this section shall be listed by a nationally recognized testing laboratory that maintains periodic inspection of production of tested equipment and whose listing states that the equipment meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

(5) Facilities meeting more stringent safety requirements under other certification standards of the department will not have to comply with this section.

History: Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.44 Accessibility.** (1) ACCESSIBILITY REQUIREMENTS. All CBRF shall comply with the construction requirements found in Table HSS 3.44.

Table HSS 3.44

Accessibility Requirements	Class of CBRF		
	A	B	C <sup>7</sup>
Ramped or grade level entrance from street, alley or ancillary parking to a primary floor .....	Not required	Not required <sup>1</sup>	Required
Stepped entrance to a primary floor within 2'-0" of grade	Not required	Required <sup>1</sup>	Not permitted
All passageway doors on primary floor minimum 2'-8" wide.....	Not required	Not required <sup>2,3</sup>	Required
All passageway doors on primary floor minimum 2'-6" wide.....	Not required	Required <sup>2</sup>	Not permitted <sup>3</sup>
Elevators, ramps or lifts to other floor levels .....	Not required	Required <sup>4</sup>	Required <sup>4</sup>
Interior access to all common-use areas .....	Not required	Required	Required
Interior access to at least one bathing and toilet facility...	Not required	Required	Required
Grab bars for toilet and bath fixtures.....	Not required	Required <sup>5</sup>	Required <sup>5</sup>
Compliance with s. ILHR 52.04 (8) .....	Not required	Required <sup>6</sup>	Required <sup>6</sup>

Note: <sup>1</sup>Ramped or grade level entrance or porchlift required if residents are not capable of negotiating stairs.

<sup>2</sup>Two-foot 8-inch doors required if residents in wheelchairs are allowed.

<sup>3</sup>Two-foot 6-inch sleeping room doors permitted for rooms used by ambulatory residents.

<sup>4</sup>May be omitted if use of other floors is restricted to ambulatory or semiambulatory residents physically capable of negotiating stairs or if there are no one-of-a-kind, common-use areas located on those floors.

<sup>5</sup>Not required in rooms used only by ambulatory residents.

<sup>6</sup>Not required in rooms used only by ambulatory residents or residents not confined to a wheelchair.

<sup>7</sup>Required only if residents are physically incapable of taking independent action for self-preservation under emergency conditions. Not required where residents are only mentally incapable of taking such action.

(2) **RAMP REQUIREMENTS.** (a) *Ramp slope.* Ramps shall have a slope of not more than one foot of rise in 12 feet of run. An interior ramp with a slope of one foot of rise in 8 feet will be permitted. The ramps shall have a slip-resistant surface and shall have no side slope.

(b) *Ramp width.* Ramps shall be at least 4 feet wide, of which not more than 4 inches on each side may be occupied by a handrail.

(c) *Ramp handrails.* Ramps shall have a handrail on each side which shall be at least 2 feet 6 inches high (preferable height, 2 feet 8 inches). Handrails on unenclosed ramps shall include an intermediate parallel rail at mid-height.

(d) *Ramp clearance.* Where ramps are provided to doorways, the ramp on each side of the doorway shall be level for a distance of 5 feet from the door.

(e) *Ramp platforms.* Ramps having a 1:8 slope shall have a 5-foot level platform at 16-foot intervals. Ramps having a 1:12 slope shall have a level platform at 30-foot intervals. Both types of ramps shall have a level platform at least 5 feet long where they turn and at least 5 feet of level clearance at the bottom of the ramps.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78. am. Register, December, 1979, No. 288, eff. 1-1-80.

### Subchapter VI — Construction Requirements

**HSS 3.50 Scope.** Sections HSS 3.50 to 3.57 apply to all CBRF.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. am. eff. 8-20-79; am. Register, December, 1979, No. 288, eff. 1-1-80; am. Register, October, 1980, No. 298, eff. 11-1-80.

**HSS 3.51 Definitions.** For purposes of this subchapter:

(a) **FLOORS AND STORIES.** (a) *Attic floor.* Attic floor(s) containing habitable rooms that are occupied shall be counted as a story.

(b) *Basement floor.* A basement is a floor level partially or totally below grade and not having any required exit(s) for any floor level above it.

(c) *First floor.* The first floor is the lowest floor having one or more required exits for that floor and for any floors above or below it.

(2) **OUTSIDE WINDOWS.** Outside windows are windows which open directly to the out-of-doors or to unheated enclosed spaces, such as exterior balconies or sun porches.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.52 Building construction and site.** (1) **CONDITION OF BUILDING AND SITE.** Any building utilized as a CBRF shall be structurally sound without visible evidence of structural failure or deterioration.

(a) All courts, yards, or other areas on the premises shall be drained or graded to divert water away from the building.

(b) Fences, other minor construction, driveways, parking areas and similar paved areas shall be maintained in a safe condition.

(c) Walks shall provide convenient all-weather access to buildings and shall be maintained in a safe condition.

(d) Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment. Lead based paints and preservatives shall not be used.

(e) Every interior floor, wall and ceiling shall be kept in good repair. Interior walls and ceilings in spaces subjected to moisture shall be provided with water-resistant hard surfaces and shall have no substantial surface irregularities or cracking. The use of "indoor-outdoor" carpeting, or other material approved for application on floors subjected to moisture, is acceptable.

(f) Every foundation wall, exterior wall, floor and roof shall be watertight, rodentproof and reasonably weathertight and shall be kept in good repair.

(g) Every exterior window, exterior door and exterior basement hatchway shall be watertight, rodentproof and reasonably weathertight and kept in good repair. Every interior door shall be kept in good repair. All installed door and window hardware shall be maintained in good working condition.

(h) Every inside and outside stair, every porch and every appurtenance to the building shall be so maintained as to be safe in use.

(i) Abrasive strips or non-skid surfaces to reduce or prevent slipping shall be used when slippery surfaces present a hazard.

(j) Replacement carpets shall have a flamespread rating of 75 or less when tested in accordance with rules of department of industry, labor and human relations, s. ILHR 51.044 for the manufacturer for each specific product. Certified proof by the manufacturer of the aforementioned test for the specific product shall be available in the facility. Certification by the installer that the material installed is the product referred to in the test proof shall be obtained by the facility. Carpeting shall not be applied to walls in any case except where the flamespreading rate can be shown to be 25 or less.

(2) **NUMBER OF STORIES.** Buildings in which CBRF are located shall have no more than 3 stories unless they comply with current s. ILHR 51.03 (1) or (2).

(3) **GARAGES AND ACCESSORY BUILDING.** Garages and accessory buildings located on the same property with a CBRF shall comply with the following:

(a) *Attached garages.* 1. Common walls between a CBRF and an attached garage shall be protected with not less than one layer of  $\frac{3}{4}$ -inch Type X gypsum board with taped joints, or equivalent, on the garage side and with not less than one layer of  $\frac{1}{2}$ -inch gypsum board with taped joints, or equivalent, on the CBRF side. Such walls shall provide a complete separation.

2. Floor-ceiling assemblies between garages and CBRF shall be protected with not less than one layer of  $\frac{3}{4}$ -inch

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Type X gypsum board on the garage side of the ceiling or room framing.

3. Openings between attached garages and CBRF shall be protected by a self-closing 1- $\frac{3}{4}$  inch solid wood core door or an equivalent self-closing fire-resistive rated door.

4. The garage floor shall be pitched away from the CBRF and at its highest point shall be at least 1- $\frac{1}{2}$  inches below the floor of the CBRF.

(b) *Detached garages.* Detached garages shall either be located a minimum of 3 feet from the CBRF or shall comply with the requirements for attached garages.

(c) *Detached accessory buildings.* Detached accessory buildings in which fueled, motorized vehicles and appliances (snow-mobiles, power lawn mowers, motorcycles, snow blowers, etc.) are stored shall either be located a minimum of 3 ft. 0 inches from the CBRF or shall comply with the requirements for attached garages.

(4) **SMOKE SEPARATION.** (a) A door shall be provided at any interior stair between the basement(s) and the first floor. This door shall be provided with a latch and an automatic closing device and normally be kept closed. A spring of sufficient strength to close and activate the door latch will be acceptable for meeting the automatic closing device portion of this requirement.

(b) Any shaft (clothes chute, dumbwaiter, laundry chute, etc.) leading to the basement(s) shall be provided with a door on each level above the lowest floor. The door(s) shall be provided with a latch and an automatic closing device and shall normally be kept closed. A spring of sufficient strength to close and activate the door latch will be acceptable for meeting the automatic closing device portion of this requirement.

(c) Exposed polyurethane and polystyrene surfaces shall be prohibited.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. am. (1) and (4), eff. 8-2-79; am. (1) and (4), Register, December, 1979, No. 288, eff. 1-1-80.

**HSS 3.53 Minimum type of construction.** Type of construction for homes shall comply with the following minimum requirements (see notes, below):

(1) **MINIMUM TYPE OF CONSTRUCTION FOR EACH CLASS (Q.V. 3.41) OF CBRF**

Number of Stories	Occupancy Class		
	A	B	C
1	3	3	2*
2	3	1*	1*
3	3	1*	1

*Notes:* Refer to s. ILHR 51.03 and Table 51.03-A for detailed descriptions of the requirements for each type of construction. Typical requirements are as follows:

*Construction Type 1.* Typical fire-resistive construction (DILHR type 1 or 2), consists of exterior walls of concrete or masonry, floors and roof of fireproofed steel or concrete, and interior partitions of concrete block or steel studs.

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*Construction Type 2.* Typical metal frame protected construction (DILHR type 3 modified) consists of structural parts and enclosing walls of masonry in combination with other noncombustible material.

*Construction Type 3.* Typical wood frame unprotected construction (DILHR type 8) consists of exterior walls of wood studs covered with siding (metal or wood), brick, stone, slate, etc., wood floors and roof, and interior partitions of wood stud and plaster or drywall.

\* Other types of construction may be used in these cases provided that the building is protected by a complete automatic sprinkler system or, in the case of class "B" facilities, blind, nonambulatory, semiambulatory, or physically disabled residents are housed on the first floor.

(2) **REVIEW OF PLANS AND ON-SITE INSPECTION.** Final plans and calculations for the installation of a sprinkler system in a CBRF for 20 or fewer residents shall be submitted to the department for review and approval before installation. Before final approval, the facility shall submit the appropriate fee for plan review in the schedule under s. HSS 3.65 (2g). At least one on-site inspection shall be conducted by a department engineer to ensure that the sprinkler system is installed according to department requirements. The department shall not issue a license until it verifies that installation of the sprinkler system complies with the approved plans.

*Note:* Plan reviews and inspections to determine compliance with this chapter are done by professional engineers in the Division of Health, Bureau of Quality Compliance. For an application form, write the Bureau of Quality Compliance, P.O. Box 309, Madison, WI 53701, or phone (608) 266-8084.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. cr. (2), eff. 1-1-94; cr. (2), Register, August, 1994, No. 464, eff. 9-1-94.

**HSS 3.54 Exiting.** (1) **NUMBER, TYPE AND ACCESS TO EXITS.** (a) The grade level floor and each floor level having habitable rooms shall have at least 2 means of exit which provide unobstructed travel to the outside, except that a small class A facility may have one exit from floor levels having habitable rooms if an equivalent safety system is provided and approved by the department.

*Note:* An equivalent safety system would include but not be limited to complete smoke detector protection or a complete sprinkler system.

(b) Exits shall be standard exits to grade (doors), stairways as specified in s. ILHR 61.12 (3), or fire escapes.

(c) No exit passageway shall be through a private room or bath/toilet room.

(d) 1. Exit passageways and stairways to the outside exit shall be at least 3 feet wide, except that exit doors and doors in exit passageways may be no less than 2 feet 8 inches in width; and 6 feet 4 inches in height.

2. In class "B" or "C" CBRF in which blind, nonambulatory or semiambulatory residents are housed above the first floor, exit passageways and stairways in the primary exit shall be constructed so as to permit use of stretchers in an emergency.

3. In class "A" facilities, existing secondary passageways, stairways and doors may be excepted from the requirements of subd. 1., provided that the passageways, stairways and doors are at least 2 ft. 4 inches in width.

(e) The required width of exit shall be maintained clear and unobstructed at all times.

(2) **DOORS.** (a) Outside exit doors shall be at least 2 feet 8 inches in width.

(b) All doors shall have such fastenings or hardware that they can be opened from the inside with one hand without the use of a key.

(c) Closet doors shall be openable from the inside.

(d) All doors equipped with locks shall be designed to permit opening of the locked doors from either side in case of emergency.

(3) STAIRS. (a) All required interior and exterior exit stairways shall have a minimum tread width (exclusive of nosing or projection) of 9 inches and a maximum riser height of 8 inches.

1. Exception: Stairs serving basements and attics without habitable rooms may have a minimum tread width (exclusive of nosing or projection) of 8 inches and a maximum riser of 9 inches.

(b) One or more handrails, at least 29 inches above the nose of the tread, shall be provided on all stairways. Handrails shall be provided on the open sides of stairways and platforms.

(c) 1. Winders in stairways shall be provided with handrails on both sides, at least 29 inches above the nose of the tread.

2. Winders in stairways used as required exits shall have treads of at least 7 inches in width at a point one foot from the narrow end of the tread.

(d) Spiral stairs shall be prohibited for use as required exit stairs.

(4) ILLUMINATION. All exit passageways and stairways shall be capable of being illuminated at all times.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. am. (1), eff. 8-20-79; am. (1) (a) and (d), Register, December, 1979, No. 288, eff. 1-1-80; correction in (1) (b) under s. 13.93 (2m) (b) 7, Stats., Register, September, 1984, No. 345.

**HSS 3.55 Habitable rooms.** (1) All habitable rooms shall have an average ceiling height of not less than 7 feet.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.56 Windows.** (1) MINIMUM SIZE. Every living and sleeping room shall have outside window(s) with a total sash area of at least 10% of the floor area of the room. The openable area of such windows shall be equal to not less than 5% of the floor area of the room served.

(2) MINIMUM OPENING FOR SLEEPING ROOMS. At least one outside window in a sleeping room shall be openable from the inside without the use of tools.

(3) STORM WINDOWS AND SCREENS. All windows serving habitable rooms shall be provided with storm windows in winter, and openable windows serving habitable rooms shall be provided with insectproof screens in summer. Insulated windows need not be provided with storm windows.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.57 Electrical.** (1) GENERAL. (a) Every CBRF shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition.

(b) The electrical service shall be of the proper size to handle the load connected to it.

**Note:** As a guide to the owner/operator for determining the adequacy of existing electrical service, the habitable rooms should have electrical service capable of providing at least 3 watts per square foot of total floor area in addition to that provided for air conditioning, ranges, fixed electric heaters and motor-driven equipment  $\frac{1}{4}$  hp or over.

(2) PROTECTION. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, or circuit breakers not to exceed the ampacity of the smallest wire size in the circuit.

(3) MINIMUM NUMBER OF FIXTURES AND OUTLETS. The minimum number of fixtures and outlets shall be as follows:

(a) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, and furnace room shall contain at least one approved ceiling or wall-type electric light fixture equipped with sufficient lamps or tubes to provide no less than 5 footcandles at floor level at center of room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for ceiling or wall fixture in lavatories, bathrooms and dining rooms.)

(b) Electric duplex outlet receptacles shall be provided as follows. (To determine room area, measurements shall be taken at room perimeter and shall include doors and door-alcoves.)

1. Living room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

2. Dining room, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

3. Kitchen, one per 8 lineal feet or fraction of countertop and preparation area, including island-type areas. In addition, kitchens used for dining purposes, one per 75 sq. ft. of floor area or major fraction. Separate outlets shall be provided for refrigerators.

**Note:** Preparation areas include countertops and all other similar areas at counter height.

4. Bedroom, one per 75 sq. ft. of floor area or major fraction (minimum of 2).

5. Laundry, one.

6. Toilet rooms, one (may be part of wall fixture if 72 inches or less from floor).

7. Other habitable rooms, minimum of 2.

(4) OUTLET AND SWITCH LOCATIONS; EXPOSED WIRING. (a) **Outlets.** Convenience outlets shall be located to discourage use of extension cords.

(b) **Switches.** Switches or equivalent devices for turning on one light in each room or passageway shall be located so as to conveniently control the lighting in the area.

(c) **Exposed wiring.** All temporary wiring and exposed, abandoned wiring shall be removed.

**History:** Emerg. cr. eff. 8-20-79; cr. Register, December, 1979, No. 288, eff. 1-1-80.

**HSS 3.58 Construction requirements for new CBRF.** All newly constructed CBRF shall meet the relevant construc-

tion requirements affecting new construction found in chs. ILHR 50-64.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; emerg. am. eff. 8-20-79; renum. from HSS 3.45 and am. Register, December, 1979, No. 288, eff. 1-1-80; correction under s. 13.93 (2m) (b) 7, Stats., Register, September, 1984, No. 345.

### Subchapter VII — Additional Requirements for Facilities Over 20 Beds

**HSS 3.60 Scope.** Sections HSS 3.60 to 3.65 apply to facilities of 21 beds or more.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.61 Services.** (1) **SOCIAL SERVICE.** Each facility shall assure social service for each resident by:

(a) Having satisfactory arrangements for identifying psychosocial needs of each resident.

(b) Providing or arranging for services to meet those needs identified in the resident's service plan.

(2) **LEISURE TIME SERVICE.** Services suited to the needs and interests of the residents shall be provided.

(a) Adequate space and equipment shall be provided to meet the needs identified in the resident's service plan such as: instruction and practice of manual activities, social activities, diversional activities, sports, games and homemaking, etc.

(3) **EMERGENCY MEDICAL SERVICE.** Residents shall have such services available to them and staff shall be instructed on the arrangement for such services.

(a) The licensee or designated representative shall arrange for a physician to be available for emergency calls when a resident's personal physician is unavailable.

(4) **DENTAL CARE.** A licensed dentist shall be available to periodically examine all residents and to provide care as needed.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.62 Physical environment.** (1) **BEDROOMS.** (a) 1. Type A facilities shall have the minimum floor area per bed of 60 sq. ft. New buildings shall have the minimum floor area per bed of 80 sq. ft.

2. Type B and C facilities shall have 80 sq. ft. per bed in multiple sleeping rooms.

(b) All resident rooms shall be numbered. The number on or near the door need not be conspicuous.

(c) No room shall be approved for resident occupancy that opens directly to the kitchen or laundry, or that requires any person to pass through the resident's room to gain access to a bathroom, kitchen, laundry, or to another part of the building.

(d) Persons of the opposite sex shall not be required to occupy the same sleeping room.

(e) A closet or locker shall be provided for each resident. Closets or lockers shall afford an enclosed space of not less than 15 inches wide by 18 inches deep by 5 ft. in height for each resident.

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(f) Unconnected satellite buildings shall not be approved for use as sleeping units.

(2) **TOILET FACILITIES.** Separate toilet facilities shall be provided for male and female residents unless used by a married couple. The minimum ratios shall be as follows: 1 toilet and 1 sink for every 8 female residents or fraction thereof, and one toilet and 1 sink for every 8 male residents or fraction thereof.

(3) **TELEPHONE.** There shall be at least 1 non-pay telephone on the premises, and such additional telephones as are deemed necessary for access in case of an emergency.

(4) **DINING AREA.** Every CBRF shall provide a room for communal dining large enough to satisfy program needs.

(5) **KITCHEN.** (a) The kitchen shall be located on the premises, or a satisfactory sanitary method of transportation of food shall be provided.

(b) Central kitchen or food preparation areas shall not open into resident rooms, toilet rooms or laundry.

(c) Food preparation, serving and food storage areas shall not be used for transporting, washing or rinsing soiled linen. Drying or storing clean linen and clothing in the kitchen is prohibited.

(6) **WATER SUPPLY.** Where a public water supply is available it shall be used.

(7) **SEWAGE DISPOSAL.** All sewage shall be discharged into a municipal sewer system where such a system is available; otherwise, the sewage shall be collected, treated, and disposed of by means of an independent sewer system approved by the division of health.

(8) **PLUMBING.** The plumbing and drainage for the disposal of wastes shall be approved by the section of plumbing and fire protection of the division of health.

(9) **LAUNDRY FACILITIES.** A laundry room shall be provided unless commercial laundry facilities are used. All soiled linen shall be placed in nonabsorbent closed containers. Where commercial laundries are used, a separate room for sorting, processing and storing clean and soiled linen shall be provided.

(10) **OFFICE.** Each CBRF shall provide an office which shall be utilized for resident records.

(11) **ADMINISTRATIVE SPACE.** Administrative office space, the medicine storage area, therapy rooms, and maintenance rooms shall be provided with furnishings essential for the proper use of the room.

(12) **EMPLOYEE STORAGE SPACE.** Facilities shall be provided for employees' wraps, purses, and other personal belongings when on duty. These facilities shall not be located in the kitchen.

(13) **VENTILATION.** Kitchen, bathrooms, janitor closets and soiled linen rooms shall be ventilated.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.63 Fire protection.** (1) All large CBRF of nonfire-resistant construction shall be protected by a complete automatic sprinkler system except a class A facility which has an equivalent safety system approved by the department.



(a) A building is of fire-resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible material and if all metallic structural members are protected by a noncombustible fire-resistive covering.

(b) Plans shall be submitted to the division of health for review and approval before installation.

(c) A certification that the sprinkler system is in proper operating condition shall be obtained annually. A copy of the certification shall be kept on file in the facility.

**Note:** An equivalent safety system must include complete smoke detector protection in conjunction with other safety measures acceptable to the department.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.64 Sanitation. (1) PHYSICAL FACILITIES. (a) Equipment.** All cases, counters, shelves, tables, cutting blocks, refrigerating equipment, sinks, cooking and baking equipment, mechanical dishwashing equipment and other equipment used in the preparation, storage or serving of food shall be so constructed as to be easily cleaned and shall be kept in good repair.

1. Prepared foods shall not be cut on the same surfaces as are used for raw food preparation unless these surfaces are washed and sanitized between operations.

(b) **Rooms.** 1. Floors. The floors of all rooms in which food or drink is stored or prepared, or in which utensils are washed, and the floors of toilet rooms shall be of such construction as to be easily cleaned, shall be smooth and shall be kept in good repair.

2. Walls and ceilings. Walls and ceilings of all rooms where food is prepared or utensils are washed shall have a smooth, non-absorbent, light-colored, washable surface.

3. Doors and windows. All room openings to the outer air shall be effectively screened and doors shall be self-closing.

4. Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

5. Ventilation. 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.

(2) **UTENSIL CLEANING. (a) 1.** A two-compartment sink for manual dishwashing is permitted for existing CBRF only.

2. A three-compartment sink for washing, rinsing and sanitizing utensils, with adequate drainboards at each end, is required for all new facilities and at the time of replacing sinks in existing CBRF. In addition, a single-compartment sink located adjacent to the soiled utensil drainboard is required 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.

(b) Prewashing of dishes shall be an integral part of manual utensil washing operations.

(c) After prewashing, the utensils shall be washed in hot water at a temperature of 100°F. (38°C.) or above containing an adequate amount of an effective soap or detergent. Water shall be kept clean by changing it frequently. Following washing, all utensils shall be rinsed in clean water to remove soap and detergent.

(d) Following hand washing, all utensils shall be sanitized by either of the following 2 methods:

1. Submerge all utensils for 30 seconds in clean water maintained at a temperature of 170°F. (77°C) or more, or

2. Submerge all utensils for at least 2 minutes in a hypochlorite solution with a chlorine concentration continuously maintained at 100 parts per million, or other approved sanitizing solutions which may be used at the concentration at which tested and approved by the department. All sanitizing solutions shall be prepared fresh prior to their use in sanitizing the dishes used at each main meal period, and at least twice each day if only glassware is sanitized. Soaps, water softeners, washing compounds and detergents shall not be added to sanitizing solutions. Utensils should be racked in baskets so that all surfaces will be reached by the sanitizing solution while submerged, and after sanitizing, be placed on a rack or drainboard to air dry.

(e) A suitable thermometer shall be provided for frequent determination of the temperature of the water used for sanitizing, washing and rinsing utensils.

(f) 1. Utensils shall be stacked in racks or trays so as to avoid overcrowding and in such manner as to assure complete washing contact with all surfaces of each article.

2. The wash water temperature of the utensil washing machine shall be held at from 130° to 150°F. (55° to 66°C.). The utensils shall be in the washing section for at least 20 seconds.

3. A detergent shall be used in all utensil washing machines.

**Note:** It is recommended that such machines be equipped with automatic detergent dispensers so that the maximum efficiency of the machines can be obtained.

4. For sanitizing in a spray type machine, dishes shall be subjected to a rinse period of 10 seconds or more at a temperature in the supply line of the machine of at least 180°F. (83°C.).

5. For sanitizing in an immersion-tank type machine, dishes shall be submerged for 30 seconds or more with water at a temperature of 170°F. (77°C.) or more. There shall be a constant change of water through the inlet and overflow.

6. Home type dishwashers are not permitted.

7. Thermometers shall be located in both the wash compartment and rinse water line at the machine so as to be readily visible. Thermostatic control of the temperature of the wash and rinse water shall be provided in the new equipment. Temperature gauges shall be readily visible, fast acting and accurate to + 2 or -2°F.

8. The pressure of the water used in spray washing and rinsing shall be 15 to 25 pounds per square inch at the machine nozzles.

9. All utensils shall be air dried in racks or baskets or on drainboards.

(3) **STORAGE OF POISONOUS COMPOUNDS.** (a) Poisonous compounds, including domestic poisons, shall be stored independently under lock and key and separately from food and kitchenware as well as drugs and medicine.

*History:* Cr. Register, August, 1978, No. 272, eff. 10-1-78.

**HSS 3.65 Maintenance and construction.** (1) **PLANT MAINTENANCE.** (a) The building shall be maintained in good repair and free of hazards such as cracks in floors, walls or ceilings; warped or loose boards; warped, broken, loose or cracked floor covering such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any similar hazard.

(b) All electrical, mechanical, water supply, fire protection and sewage disposal systems shall be maintained in a safe and functioning condition. Electrical cords and appliances shall be maintained in a safe condition. Frayed wires, cracked or damaged switches, plugs and electric fixtures shall be repaired or replaced. No electrical extension cords shall be strung under carpets or rugs or attached to light fixtures.

(c) All plumbing fixtures shall be in good repair, properly functioning and satisfactorily provided with protection to prevent contamination from entering the water supply piping.

(d) The heating system shall be maintained in a safe and properly functioning condition.

(e) The interior and exterior of the building shall be painted as needed to protect the surfaces. Loose, cracked or peeling wallpaper or paint shall be promptly replaced or repaired.

(f) All furniture and furnishings shall be maintained in good repair.

(g) Storage areas shall be maintained in a safe and orderly condition; attics and basements shall be free of accumulations of garbage, refuse, discarded furniture, old newspapers, boxes, discarded equipment and similar items.

(h) The grounds, yards, and sidewalks shall be maintained in a neat, orderly and safe condition.

(2) **SUBMISSION OF PLANS.** (a) Plans for the construction of new buildings, additions to existing buildings, conversion of existing buildings to a CBRF, or for major remodeling or alterations of existing buildings shall be submitted to and approved by the department before construction or conversion is begun. These plans shall show the general arrangement of the buildings, including a room schedule and fixed equipment for each room and a listing of room numbers, together with other pertinent information.

(b) Plans shall be drawn to scale.

(2g) **FEES FOR PLAN REVIEWS.** (a) *Basic fee schedule.* The fees established in this subsection shall be paid to the department for providing the plan review services under sub. (2). The department may withhold providing services to parties who have past due accounts with the department for plan review services. The department shall

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charge a CBRF a fee according to the following schedule for review of plans for the construction of a new building, addition to an existing building, conversion of an existing building to be a CBRF or installation of a sprinkler system, or for major remodeling or alterations of an existing building:

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

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

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

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

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

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

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

(b) *Handling and copying fees.* 1. 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.

2. 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) **LOCATION.** (a) The site shall adhere to local zoning regulations; be free from environmental nuisances, such as noise, odors, etc.; be easily accessible for employes and visitors. The facility shall be so located as to promote at all times the treatment, comfort, safety, well being and health of persons accommodated. The site shall be located convenient to community resources used by the residents.

(4) **ELECTRICAL.** At least one duplex type wall outlet shall be provided for every resident bed.

(5) **VENTILATION.** (a) Where mechanical ventilation is provided, the resident area corridors, lounge, dining, therapy and recreation areas shall be under positive pressure.

(b) Transoms, louvers and grills are not permitted in or above the resident room door exiting to the corridor.

(6) **VERTICAL SHAFTS.** (a) In new construction all vertical shafts including stairwells shall be of at least 2-hour fire-resistive construction with self-closing class B fire doors at each floor. No vertical shafts except elevators and stairwells may open directly to a corridor.

(b) In new construction the room in which the chute terminates shall also be of 2-hour fire-resistive construction with a class B fire door.

(c) Sprinkler heads shall be provided at the top of each linen or trash chute and also in the rooms in which the chute terminates.

(7) **WINDOWS.** In new construction the bottom sill of windows in residents' rooms shall be 3 feet or less from the floor.

(8) **DOORS.** (a) In new construction resident room doors shall not be less than 3 feet wide.

(b) In new construction toilet room doors shall not be less than 2 feet 6 inches and shall not swing into the toilet room or shall be provided with two-way hardware.

(9) **CORRIDOR WIDTH.** In new construction all corridors in resident areas shall be at least 5 feet wide. In existing buildings to be converted to a CBRF the minimum corridor width may be less than 5 feet but not less than 4 feet.

**History:** Cr. Register, August, 1978, No. 272, eff. 10-1-78; **emerg. cr. (2g),** eff. 1-1-94; **cr. (2g),** Register, August, 1994, No. 464, eff. 9-1-94.