Chapter DCF 57

GROUP HOMES

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Note: Ch. HSS 57 was renumbered to ch. HFS 57 under 13.93 (2m) (b) 1., Stats. and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, December, 1999, No. 528; Chapter HFS 57 as it existed on December 31, 2005, was repealed and a new chapter HFS 57 was created Register September 2005 No. 597, eff. 1−1−06. Chapter HFS 57 was renumbered to chapter DCF 57 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

Subchapter I — General Provisions

DCF 57.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to carry out licensing duties authorized under s. 48.66, Stats., and the authority of s. 49.343, Stats., to establish the per client rate that a group home may charge for its services. The purpose of this chapter is to protect and promote the health, safety and welfare of children placed in group homes and promote efficient provision of services.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; EmR1106: emerg. am., eff. 9−16−11; CR 11−026: am. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.015 Compliance with administrative rules and laws. A person who is licensed under this chapter shall operate the group home in compliance with this chapter, the provisions of the license, and applicable state, federal, and local law.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.02 Exceptions to rules. (1) The department may grant an exception to a non−statutory requirement of this chapter if the department determines that the exception will not jeopardize the health, safety, or welfare of any child served by the group home.

(2) A request for an exception to a non−statutory rule requirement shall be made to the department on a form prescribed by the department and shall justify each reason for requesting an exception. The request shall also describe an alternative that meets the intent of the requirement.

Note: Form DCF−F−5023−E, *Child Welfare Request for Exception*, is available in the forms section of the department website, http://dcf.wisconsin.gov. Requests for an exception should be sent to the field office listed in Appendix A that serves the group home.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; EmR1414: emerg. am. (2), eff. 8−1−14; CR 14−054: am. (2) Register April 2015 No. 712, eff. 5−1−15.

DCF 57.04 Definitions. In this chapter:

(1) "Agency−operated group home" means a group home for which the licensee is a public agency other than the department.

(2) "Background information disclosure form" means the department form on which a person provides certain information concerning the person's background.

Note: DCF−F−2978−E, *Background Information Disclosure*, is available in the forms section of the department's website at http://dcf.wisconsin.gov or from the filed office listed in Appendix A that serves the group home.

(3) "Behavior intervention" means any containment, management or treatment technique or procedure used to intervene in a resident's behavior when that behavior poses a clear and present danger of serious physical harm to the resident or to others.

(4) "Caregiver" has the meaning given in s. 48.685 (1) (ag), Stats.

(5) "Caregiver background check" means the search required by s. 48.685 (2), Stats.

(6) "Child" is a person who is under 21 years of age and is under juvenile court jurisdiction or other court order, is being provided services by a child welfare or juvenile justice agency, or is placed under an agreement.

(7) "Child abuse" means abuse as specified in s. 48.02 (1), Stats.

(8) "Child neglect" has the meaning given in s. 48.02 (12g), Stats.

(9) "Corporation−operated group home" means a home for which the licensee is a non−profit or proprietary corporation that operates one or more group homes.

(9m) "County department" or "county" means a county department of social services under s. 46.215 or 46.22, Stats.; a county department of human services under s. 46.23, Stats.; or a county department under s. 51.42 or 51.437, Stats.

(10) "Custodial parent" means a resident whose child resides in the group home with the resident.

(11) "Department" means the department of children and families.

(12) "Emergency" means serious medical incidents, fire, tornadoes, flooding, and loss of services to the group home such as electricity, heat, water or telephone, or threats to the premises or its occupants.

(13) "EPSDT" means early and periodic screening, diagnosis and treatment of persons under s. DHS 107.22.

(14) "Family−operated group home" means a home for which the licensee is one or more individuals who operate not more than one group home.

(15) "Fit and qualified" means displaying the capacity to successfully nurture and care for children and shall not include a history of a civil action, criminal conviction or administrative rule violation that substantially relates to the care of a child; a history of exercising unsound judgment or abuse of alcohol or drugs.

Note: For help in determining whether a civil action, criminal conviction, or administrative rule violation substantially relates to the care of children consult s. DHS 12.06.

(16) "Group home" means a facility operated by a person licensed by the department pursuant to s. 48.625, Stats., to provide 24−hour care for 5 to 8 residents.

(17) "Group home manager" means a person who is responsible for the day−to−day operations of a group home.

(18) "Guardian" means a person or agency appointed by a court to have the duties and authority of guardianship as described under s. 48.023, Stats.

(19) "HealthCheck provider" means a provider certified under ch. DHS 105, to provide EPSDT health assessment and evaluation services.

(20) "Household member" means any person who resides, or is expected to reside, at the group home, who is not a resident of the group home and who has or may have direct contact with group home residents, whether or not related to the licensee.

(21) "House rules" means a summary of the group home's standards related to resident conduct, responsibilities, expectations, and daily activities.

(22) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b), Stats.

(23) "Legal custodian" means a person, other than a parent or guardian, or an agency to whom legal custody of a child has been transferred by a court, but does not include a person who has only physical custody of a child.

(24) "Legal custody" has the meaning given in s. 48.02 (12), Stats.

(25) "Licensee" means a person licensed by the department pursuant to s. 48.66, Stats., to operate a group home.

(26) "Parent" has the meaning specified in s. 48.02 (13), Stats., or in s. 938.02 (13), Stats.

(27) "Permanency plan" means the plan required under s. 48.38 (2), Stats., that is designed to ensure that a child placed in a group home is safely reunified with the child's family whenever appropriate, or that the child quickly attains a safe placement in a home providing long−term stability.

(28) "Physical custody" means actual custody of the person in the absence of a court order granting legal custody to the physical custodian.

(29) "Physician" has the meaning given in s. 448.01 (5), Stats.

(30) "Placing agency" means an agency that is licensed under s. 48.60, Stats., and ch. DCF 54, to place children into adoptive homes, foster homes or group homes, to accept guardianship of children or to license foster homes, a county department with powers and duties as defined under s. 48.57, Stats., the department, the Wisconsin department of corrections or any other authorized placement authority.

(31) "Premises" means the physical plant of the group home, the tract of land on which the group home is situated and any other building or structure on that land.

(32) "Program director" means a person that is either on staff or under contract with the group home to provide program oversight and case management for residents of the group home.

(33) "Relief help" means an individual that is used by the licensee on an irregular and infrequent basis for brief periods of time to provide care for residents.

Note: An individual regularly scheduled to replace a resident care staff on days off or for prolonged periods is considered a resident care staff.

(34) "Resident" means a child who is admitted to and resides in a group home.

(35) "Resident care staff" means an individual employed by a licensee to be the usual and primary caregiver of residents.

(36) "Resident rights" means the rights specified in s. 51.61, Stats., and ch. DHS 94, of a resident who receives a service for alcohol or drug abuse, a mental illness, or a developmental disability or for residents not receiving those services, rights and grievance procedures that are comparable to those found in s. 51.61, Stats., and ch. DHS 94.

(37) "Respite care" means maintenance and care of a child with emotional, behavioral, cognitive, physical, or other condition including being at risk of abuse or neglect, placed in a group home for a period of 15 consecutive days or less.

Note: Respite care can be used to relieve a parent or other care provider from the demands of ongoing care when a child is at risk of abuse or neglect or in other crisis situations or both.

(38) "Serious juvenile offender" means a person to whom the court has given the disposition specified in s. 938.34 (4h), Stats.

(39) "Sponsoring agency" means a child welfare agency licensed to place children in group homes, a county agency specified in s. 48.56 (1), Stats., or the department; which enters into a written contract with the licensee.

(40) "Staff member" means a group home director or manager, resident care staff, or relief help.

(41) "Supervision" means guidance of the behavior and activities of a resident by a staff member who is within sight or sound of a resident.

(42) "Treatment plan" means a written plan of services to meet the specific treatment goals and care needs of a resident.

(43) "Universal precautions" means measures taken to prevent transmission of infection from contact with blood or other potentially infectious materials as recommended by the U.S. public health service's centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

(44) "Volunteer" means an individual who provides services to a group home but is not paid for those services.

(45) "Wisconsin public purchaser" means a county department, the department, or the Wisconsin department of corrections.

Note: This definition does not mean that a volunteer cannot be reimbursed for expenses.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (2), (11), (13), (19), (30) and (36) made under s. 13.92 (4) (b) 6. and 7., Stats., Register November 2008 No. 635; correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register May 2010 No. 653; EmR1106: emerg. cr. (9m), eff. 9–16–11; CR 11–026: cr. (9m), (45) Register December 2011 No. 672, eff. 1–1–12; EmR1414: emerg. r. and recr. (6), (34), eff. 8–1–14; CR 14–054: r. and recr. (6), (34) Register April 2015 No. 712, eff. 5–1–15; correction in (2) made under s. 13.92 (4) (b) 6., 7., Stats., Register September 2016 No. 729.

DCF 57.045 Inspections, records, and requests for information. (1) INSPECTION OF PREMISES. The department may visit and inspect a group home and shall be given unrestricted access to the premises. During this inspection, a licensee shall provide all of the following:

(a) Any documentation of group home operations requested by the department.

(b) Any resident records requested by the department.

(2) DOCUMENTATION OF STAFFING. (a) A licensee shall maintain the following records:

1. Written schedules of staff coverage that document the specific resident care staff that worked each shift to meet the applicable staff–to–resident ratio in s. DCF 57.21 (2) or 57.36 (5).

2. Staff payroll records.

(b) A licensee shall retain records under par. (a) for 5 years.

(3) REQUESTS FOR INFORMATION. A licensee shall promptly respond to requests for information from the department, a placing agency, or any other governmental agency with statutory authority to see the information.

(4) CURRENT AND ACCURATE. A licensee shall ensure that information that the licensee or group home staff submits to or shares with the department, a placing agency, or any other governmental agency is current and accurate.

History: EmR1106: emerg. cr., eff. 9–16–11; CR 11–026: cr. Register December 2011 No. 672, eff. 1–1–12.

DCF 57.05 Group home program and policies. (1) PROGRAM STATEMENT. Each group home shall have a written program statement that shall include all of the following:

(a) A description of the group home's purpose and philosophy.

(b) A description of the services available through or provided by the group home.

(c) A description of the type, age, and sex of the resident population served by the group home.

Note: Types of resident population refers to a description of the population served by the group home, for example whether the group home serves children with developmental disabilities; emotional or behavioral disorders; alcohol, drug or other substance abuse problems; juvenile delinquents; correctional aftercare placements; custodial parents; expectant mothers; respite care; children under 6 years of age; or children who are transitioning to independence.

(d) A description of the daily activities available to residents.

(e) A description of house rules for expected resident conduct.

(f) A non–discrimination statement that indicates that the group home does not discriminate against a resident because of race or cultural identification, sex, sexual orientation, age, color, creed, ancestry, national origin, disability, political affiliations, or religious beliefs.

(2) POLICIES AND PROCEDURES. In addition to the emergency planning and personnel policies and procedures required under ss. DCF 57.06 and 57.17, a group home shall have written policies and procedures that include all of the following:

(a) Criteria for levels of supervision of on–premise and off–premise activities of residents.

(b) Confidentiality of resident records.

(c) Medication administration, storage and disposal.

(d) Prohibiting from the premises any person whose behavior gives reasonable concern for the safety of residents.

(e) The use of universal precautions.

(f) Behavior intervention.

(g) Suicide prevention.

(h) Serious incident reporting requirements.

(i) Notifying the appropriate local law enforcement agency if a resident leaves the group home without permission or fails to return to the group home after an approved leave.

(j) Resident access to confidential family planning services.

(k) House rules that shall include all of the following:

1. A description of acceptable and unacceptable resident conduct.

2. Curfew requirements.

3. A description of the consequences for violations of house rules.

4. Procedures related to a resident's absence from the group home without permission.

(L) Prohibiting smoking on the group home premises and in vehicles used to transport residents.

(m) For group homes that serve custodial parents, policies on visitation between a child of a resident and that child's non–custodial parent.

(n) Prohibiting the use of resident labor as a substitute for employment of a sufficient number of competent persons to operate and maintain the group home.

(o) A workable plan for contacting the licensee or a staff member when necessary.

(p) For each shift of resident care staff, how all of the following will be documented:

1. Staff arrival and departure times.

2. Number and location of residents.

3. Summary of each resident's behavior and program participation during the shift.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (2) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (1) (f), cr. (2) (p), eff. 9–16–11; CR 11–026: am. (1) (f), cr. (2) (p) Register December 2011 No. 672, eff. 1–1–12.

DCF 57.06 Emergency planning and preparation. (1) The licensee shall have written procedures for all of the following:

(a) In case of emergency, contacting the placing agency, parent, guardian, or legal custodian, emergency service providers, a resident's health care provider, the licensee, and staff members.

(b) Fire safety, evacuation drills and response, including evacuation of residents with limited mobility, limited understanding, or hearing impairment in case of fire as specified in s. DCF 57.42 (2) (c), or other emergency.

(2) The telephone number of each of the following emergency service providers shall be posted by each telephone on the premises. If the emergency service providers listed below can be reached by dialing the emergency number "911", then the emergency telephone number "911" may be posted in place of separate emergency provider numbers.

(a) Ambulance service.

(b) Fire department.

(c) Police department.

(d) Hospital.

(2m) The telephone number of the poison control center shall be posted by each telephone on the premises.

(3) Each group home and vehicle used to transport residents shall have a first aid kit or first aid supplies including gauze and adhesive bandages, tape and latex or vinyl gloves; and that will provide care to the maximum number of residents allowed under

the group home license. The first aid kit or first aid supplies shall be inventoried and re−supplied after each use.

(4) Phone numbers of staff members to be notified in case of an accident, the name, address, and telephone number of each resident's health care provider and written consent from the resident's parent, guardian, or legal custodian for emergency medical treatment shall be carried in a vehicle when transporting a resident.

(5) (a) Each licensed group home shall file a disaster plan with the department and any placing agency with a resident placed in the group home that would allow the department and placing agency to identify, locate, and ensure continuity of services to residents under the placement and care responsibility or supervision of the placing agency who are displaced or adversely affected by a disaster. A disaster plan shall include all of the following information:

1. Where a licensee, group home staff, and residents would go in an evacuation, including one location in the nearby area and one location out of the area.

2. Phone numbers, electronic mail addresses, and other contact information for the licensee.

3. A list of items that the licensee or group home staff will take if evacuated, including any medication and medical equipment for residents.

4. Phone numbers the licensee will call to check in with the department and placing agency.

(b) A licensee shall review the disaster plan on a quarterly basis to ensure it is current and accurate, document the quarterly review, and provide the documentation to the department upon request.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. cr. (5), eff. 9−16−11; CR 11−026: cr. (5) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.07 Financial records and audits. (1) A licensee shall arrange for an annual audit report by a certified public accountant in accordance with department guidelines.

Note: For further information, contact the Department of Children and Families, Bureau of Finance, 201 E. Washington Avenue, P.O. Box 8916, Madison WI 53708−8916 or (608) 267−3905.

(2) A licensee shall establish and maintain an accounting system that enables a group home to accurately report income and disbursements by the cost categories in the cost and service report in s. DCF 57.62 (1) (a).

(3) A licensee shall be responsible for the secure and judicious use of the funds of the group home. Policies and practices shall be in accord with sound budgeting, disbursement, and audit control procedures.

(4) A licensee shall maintain a system of business management and staffing to ensure complete and accurate accounts, books, and records are maintained.

(5) Upon request, a licensee shall provide the department with financial information about the group home.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; EmR1106: emerg. r. and recr., eff. 9−16−11; CR 11−026: r. and recr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.075 Department memos. A licensee shall register to receive department memos on child welfare licensing and child welfare policy by electronic mail. A licensee shall submit a new registration if the licensee's electronic mail address changes.

Note: Sign up for Child Welfare Licensing Memos at https://dcf.wisconsin.gov/cwlicensing/signup . Sign up for Child Welfare Policy Memos at https://dcf.wisconsin.gov/childwelfare/signup .

History: EmR1106: emerg. cr., eff. 9−16−11; CR 11−026: cr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.08 Insurance. (1) A corporation−operated or an agency−operated group home shall purchase and maintain insurance that provides coverage of the premises and of the risks of the group home in the provision of services as identified by an insurer licensed by the office of the commissioner of insurance.

(2) Unless waived by the department under s. 48.627 (2) (b), Stats., a family−operated group home shall purchase and maintain homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in the group home that results in bodily injury or property damage to third parties pursuant to s. 48.627 (2) (a), Stats.

(3) The licensee shall purchase and maintain motor vehicle bodily injury and property damage liability insurance that provides coverage on each motor vehicle used to transport residents. The amount of motor vehicle insurance purchased under this subsection shall be consistent with the amounts specified under s. 121.53 (1), Stats.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.09 Weapons. No weapons, firearms, or ammunition may be on the premises.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.10 Pets and animals. (1) Any animal that is kept on the premises as a pet shall be vaccinated against rabies as determined appropriate by a veterinarian and shall be tolerant of residents.

(2) A pet suspected of being ill or infected shall be treated immediately for its condition or removed from the group home.

(3) Pens, cages, litter boxes and outside areas used by pets shall be kept clean.

(4) Each pet shall be kept and handled in a manner that protects the safety and well−being of residents and the pet.

(5) No pet may be allowed in any area while food is being prepared.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.11 Telephone. A telephone that is operational shall be available on the premises at all times.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.12 Transportation. (1) The licensee shall provide safe transportation of residents.

(2) Except as provided in sub. (3) each staff member or volunteer that transports a resident shall be at least 21 years of age, have at least one year of experience as a licensed driver, and hold a current Wisconsin operator's license for the type of vehicle driven.

(3) A licensee shall obtain a copy annually of the driving record for each staff member or volunteer who may transport a resident and shall keep the record on file at the group home. A person whose driving record shows any one of the violations specified in s. 346.62 or 346.63, Stats., having occurred in the last 12 months may not transport a resident.

Note: To obtain a copy of a driving record, contact the Bureau of Driver Services, Department of Transportation, P.O. Box 7918, Madison, WI 53707.

(4) The number of residents transported in a vehicle at any one time may not exceed the passenger limit specified by the vehicle's manufacturer.

(5) Any vehicle used by a staff member or volunteer to transport residents shall be in safe operating condition. At 12−month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form CFS−0052.

Note: Form number CFS52, Vehicle Safety Inspection, is available in the forms section of the department website at http://dcf.wisconsin.gov or by writing or calling any field office listed in Appendix A.

(6) Vehicles shall be clean, uncluttered, and free of obstructions on the floors, aisles and seats.

(7) (a) No licensee or person acting on behalf of a licensee may transport any resident under the age of 8 years or less than 80 pounds in weight in any private motor vehicle unless the following conditions are met, as required in s. 347.48 (4), Stats.:

1. Each resident who is less than one year old or who weighs less than 20 pounds being transported in a vehicle shall be prop-

erly seated and restrained in a rear−facing individual child car safety seat in the back seat of the vehicle.

2. Each resident who is at least one year old but less than 4 years old or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward−facing individual child car safety seat in the back seat of the vehicle.

3. Each resident who is at least 4 years old but less than 8 years old, who weighs at least 40 pounds but not more than 80 pounds, or who is 4 feet 9 inches tall or less, shall be properly restrained in a shoulder−positioning child booster seat.

(b) Each resident who is not required to be in an individual child car safety seat when being transported shall be properly restrained by a seat belt, except as provided in s. 347.48 (2m), Stats., and ch. Trans 315. Seat belts may not be shared.

(9) Each motor vehicle used to transport residents shall be insured as required under s. DCF 57.08 (3).

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (8) and (9) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (3), r. and recr. (7), r. (8), eff. 9−16−11; CR 11−026: am. (3), r. and recr. (7), r. (8) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.13 Licensee reporting requirements to the department. A licensee shall report all of the following to the department:

(1) SERIOUS INCIDENTS. The licensee shall report a serious incident by telephone, mail or facsimile to the regional office that serves the group home within 72 hours after each occurrence including all of the following:

(a) Any incident of suspected child abuse or neglect by an employee of the group home, volunteer of the group home or household member of the group home; including a report made to a law enforcement agency, a county department of social or human services, or a child welfare agency.

(b) Each incident requiring law enforcement services at the group home or that involves a resident.

Note: Examples of serious incidents requiring law enforcement services include acts such as physical or sexual assault, drug related offenses, damage or theft of property or weapons offenses. Serious incidents also include incidents in which a runaway resident is held by law enforcement for an offense such as assault, theft or weapons violations.

(c) The use of a restraint on a resident. A report on the use of a restraint shall be made following the requirements in s. DCF 57.27 (3) (c).

(d) Any injury or trauma to a resident or staff member for which the resident or staff member requires the services of a licensed medical professional including all of the following:

1. A broken bone.

2. A burn.

3. A concussion.

4. A wound requiring stitches.

5. The ingestion of poison or drug overdose.

6. A traumatic incident such as a resident who nearly drowns or suffocates or who goes into shock.

(e) An error in medication administration by either a resident or staff member.

(f) The death of a resident.

(g) A suicide attempt by a resident.

(h) Outbreak of a reportable communicable disease as defined in ch. DHS 145.

Note: Information regarding reportable communicable diseases can be obtained from local county public health departments.

(i) A condition or situation that requires the removal of residents from the group home or the closure of the group home.

(j) Any physical damage to the premises that would affect compliance with this chapter including any structural damage that would affect the safe shelter of residents or any failure in the heating, cooling, electrical, plumbing, or smoke or fire detection system that is not repaired or that cannot be repaired within 24 hours after the failure occurs or becomes known.

(k) A fire on the premises that requires the services of a fire department.

Note: Form CFS2146, Serious Incident Report, is available in the forms section of the department website, http://dcf.wisconsin.gov or by calling or writing any field office in Appendix A.

(2) DISCHARGE OF RESIDENTS FROM OUT−OF−STATE. At the end of each month, the licensee shall report in writing to the department's interstate compact office of each resident from out−of−state that is discharged from the group home that month. The report shall include all of the information specified in s. DCF 57.20 (1) (a) to (e).

Note: Reports of discharged residents from out−of−state may be mailed or faxed to Interstate Compact on Placement of Children, Division of Safety and Permanence, 1 West Wilson St., P.O. Box 8916, Madison, WI 53708−8916. The facsimile number is (608) 266−5144.

(3) VEHICLE ACCIDENTS. Within 7 calendar days after an accident involving a vehicle transporting a resident, the licensee shall submit a copy of any resulting police report to the department.

(4) PLACEMENT OF JUVENILE OFFENDERS. The group home shall notify the department field office that serves the group home in writing, by phone, or facsimile within 48 hours of the admission of each serious juvenile offender as defined in s. DCF 57.04 (38) unless that is the primary client group served by the group home.

(5) BEHAVIOR INTERVENTION. A licensee shall report to the department each incident of physical restraints used with a resident within 72 hours of each occurrence.

Note: To report use of physical restraint, use form CFS2146, Serious Incident Report, which is available in the forms section of the Department's website at http://dcf.wisconsin.gov or by writing or telephoning any one of the field offices listed in Appendix A.

(6) PROOF OF INSURANCE. The licensee shall annually submit to the department proof of insurance purchased and maintained pursuant to s. DCF 57.08.

(7) DISCONTINUING OR CHANGING OPERATIONS. (a) The licensee shall notify the department in writing at least 30 calendar days before discontinuing operation of a group home. The notice shall include the discharge summary specified in s. DCF 57.20 (1) and the post−discharge plan required under s. DCF 57.23 (3) (b), for each resident

(b) The licensee of a corporation−operated group home shall notify the department within 30 calendar days of any change in the executive responsible for the group home, the chairperson of the board or in the corporate structure.

(8) PLANS OF CORRECTION. If requested by the department, the licensee shall submit a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format provided by the department. The plan of correction must be received by the date specified by the department and be approved by the licensing representative.

Note: The licensing representative will notify the licensee at the conclusion of a licensing visit or within 10 working days after the licensing visit, if a plan of correction is required, the date the plan of correction is to be received by the department, and format.

(9) FIRE SAFETY INSPECTION. The licensee shall submit annually to the department, the results of the fire safety inspection required under s. DCF 57.42 (4).

(10) BACKGROUND INFORMATION REPORTING. (a) When an individual that is not a client becomes a household member or is expected to become a household member, the licensee, as soon as possible, but no later than the department's next business day, shall submit to the department a background information disclosure form for the individual.

Note: DCF−F−2978−E, *Background Information Disclosure*, is available in the forms section of the department website, http://dcf.wisconsin.gov, or by calling or writing any field office in Appendix A.

(b) As soon as possible but no later than the department's next business day, the licensee shall report to the department for the licensee and each household member who is 10 years old or older all of the following background changes:

1. The person has been convicted of any crime.

2. The person has been or is being investigated by any governmental agency for any act, offense or omission, including an

investigation related to the abuse or neglect, or threat of abuse or neglect, to a resident or other individual; or an investigation related to misappropriation of a client's property.

3. The person has a governmental finding substantiated against them of abuse or neglect of a client or of misappropriation of property.

4. In the case of a position for which the person must be credentialed by the department of safety and professional services, the person has been denied a license or the person's license has been restricted or otherwise limited.

5. The person has pending criminal charges.

(11) WELL WATER NITRATE LEVELS. For group homes with expectant mothers or infants under 6 months old, the licensee shall report water nitrate levels as required in ss. DCF 57.36 (8) and 57.37 (8).

Note: Reports submitted under this section should be submitted to the field office listed in Appendix A that serves the group home.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; reprinted to correct printing error in (1) (e), Register October 2005 No. 598; corrections in (1) (c), (h), (2), (4), (6), (7) (a), (9) and (11) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (4), eff. 9–16–11; CR 11–026: am. (4), correction in (10) (b) 4. made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672, eff. 1–1–12; EmR1414: emerg. am. (1) (j), eff. 8–1–14; CR 14–054: am. (1) (j) Register April 2015 No. 712, eff. 5–1–15.

DCF 57.135 Responsibility to placing agencies. (1) The licensee shall notify the placing agency as soon as possible of any emergency involving the resident. This includes serious illness or injury requiring medical treatment, death of a resident or child, unauthorized absence from the home, use of physical restraint, physical intervention, or any other similar crisis related to a group home resident. This requirement does not relieve the licensee from first taking whatever action is necessary to protect the health, safety and welfare of the resident.

(2) The licensee shall keep the placing agency informed of the resident's progress while in care and shall consult with the agency regarding treatment plans and treatment plan reviews, care, training, and plans for the resident whenever more than the day–to–day routine is involved.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

Subchapter II — Personnel

DCF 57.14 Personnel requirements. (1) DEFINITIONS. In this section, "college" or "university" means an institution which is accredited on a degree granting level by an accrediting agency which is listed by the United States department of education as a nationally recognized accrediting agency.

(2) AGE REQUIREMENT. (a) A hired or contracted staff member shall be at least 21 years old and 2 years older than the oldest resident.

(b) Notwithstanding par. (a), a staff member who is 19 to 21 years old and 2 years older than the oldest resident may be hired or employed for any position except program director under sub. (4) (a) if during the individual's course of employment the individual is enrolled in and regularly attends a college or university with a major in any of the following:

1. Social work.
2. Sociology.
3. Special education.
4. Psychology.
5. Counseling and guidance.
6. Criminal justice.
7. Any other area in the human services field as approved by the department.

(c) Notwithstanding par. (a) or (b), a staff member who is 19 years of age or over may retain employment or contract if the staff member is hired or contracted for before a new resident who is 18 years of age or over is admitted to the group home.

(3) HEALTH. (a) Each staff member and volunteer shall be physically, mentally and emotionally able to provide responsible care for residents and shall not pose an imminent threat of harm to residents or to the quality and manner of their care.

(b) If the department has reason to believe that the physical or mental health of a staff member or an applicant for employment may endanger a resident, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the group home or the residents in care.

(4) REQUIRED STAFF. (a) *A program director.* A licensee shall staff each group home with a program director who complies with all of the following:

1. 'Qualifications.' A program director shall be at least 21 years old, have a 4–year college degree in one of the major fields of study specified in sub. (2) (b) 1. to 7., and have 2 years of supervised child welfare work experience.

2. 'Program operation and development.' The program director function can be provided by a sponsoring agency. The program director or sponsoring agency shall oversee program operation and development and do all of the following:

a. Review the appropriateness of admission of each child to the group home.

b. Participate in developing, reviewing, and updating resident assessments and treatment planning.

c. Provide technical assistance to the resident care staff and agencies.

d. Periodically review and update group home policies and procedures.

Note: A sponsoring agency is defined in s. DCF 57.04 (39) to mean a child welfare agency licensed to place children in group homes; county agency specified in ch. 48.56 (1), Stats.; or the department, which enters into a written contract with the licensee.

(b) *Group home manager.* A licensee shall staff each group home with a group home manager who oversees the day–to–day operations of the group home. The group home manager shall have the qualifications specified in par. (c). A group home manager may also function as the program director if the group home manager meets the requirements specified in par. (a).

(c) *Resident care staff.* A licensee shall staff each group home with resident care staff in numbers sufficient to meet the staff to resident ratios specified in ss. DCF 57.21 and 57.36 (5) and for any off–premise activities. Resident care staff shall be responsible for the daily supervision of residents and direct care to residents to ensure their safety and well–being. Resident care staff shall have at least one of the following qualifications:

1. A bachelor or associate degree from a college or university in any one of the majors specified in sub. (2).

2. At least one year of full–time experience working in a formal program with the type of resident population served by the group home.

3. Certification as a child and youth care worker under the standards of the Wisconsin Association of Child and Youth Care Professionals or other department–recognized certifying authority.

Note: A copy of the standards of the Wisconsin Association of Child and Youth Care Professionals can be obtained from http://www.wacycp.org or by contacting WACYCP at 161 W. Wisconsin Avenue, Milwaukee, WI 53202; telephone (414) 227–3130. Information regarding other recognized certifying authorities may be obtained by contacting any field office listed in Appendix A.

4. Completion of a traineeship program in which the resident care staff has worked with qualified, experienced resident care staff for at least the first 80 hours of employment and received orientation training as specified under s. DCF 57.16 (1), before working independently with residents.

(4m) AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING. All staff members of a group home who provide care for the residents of the group home shall have current proficiency in the use of an

automated external defibrillator, as defined in s. 256.15 (1) (cr), Stats., achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38), Stats., to provide such instruction.

(5) RELIEF HELP. The licensee may use relief help to temporarily provide care and supervise residents when the number of resident care staff is not sufficient to meet the staff to resident ratios specified under s. DCF 57.21 or 57.36 (5).

(6) VOLUNTEERS. Each volunteer used by the group home shall be supervised by a staff member. Before a volunteer may begin performing activities, the licensee shall do all of the following:

(a) Orient the volunteer to the activities that the volunteer may perform as specified in the group home's personnel policies and procedures.

(b) Provide each volunteer with the confidentiality requirements specified under s. DCF 57.39 and the child abuse and neglect reporting requirements specified under s. DCF 57.18 (1).

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (4) (c) (intro.), 4., (5) and (6) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (4) (a), (b), (c) (intro.), cr. (4m), eff. 9–16–11; CR 11–026: am. (4) (a), (b), (c) (intro.), cr. (4m) Register December 2011 No. 672, eff. 1–1–12; EmR1414: emerg. renum. (2) (intro.) to (2) (a), (b) and am., renum. (2) (a) to (g) to (2) (b) 1. to 7., cr. (2) (c), am. (4) (a) 1., eff. 8–1–14; CR 14–054: renum. (2) (intro.) to (2) (a), (b) and am., renum. (2) (a) to (g) to (2) (b) 1. to 7., cr. (2) (c), am. (4) (a) 1. Register April 2015 No. 712, eff. 5–1–15.

DCF 57.15 Hiring and employment. (1) In this section a "physician's assistant" has the meaning in s. 448.01 (6), Stats.

(2) Before an applicant begins employment, the licensee shall do all of the following:

(a) Conduct and document a caregiver background check pursuant to s. 48.685, Stats., and ch. DCF 12, on each applicant.

Note: DCF–F–2978–E, *Background Information Disclosure*, is available in the forms section of the department website, http://dcf.wisconsin.gov or by calling or writing any field office in Appendix A.

(b) Obtain favorable references from at least 3 non–relatives, with documentation by letter from the reference or by documentation in the record of verbal contact with a reference. Documentation shall include the date contact was made, the name of the individual conducting the reference, the name of the individual contacted, and a summary of the response.

(c) Upon hire and before working with residents, require each staff member, except relief help to have a tuberculosis test and provide certification from a physician, physician assistant, or a HealthCheck provider that the staff member meets the minimum physical requirements of the position and that the staff member is in general good health.

Note: A HealthCheck form may be obtained by contacting the local public health department. Physical examination report forms can be obtained by contacting the field office listed in Appendix A.

(d) Make a determination of whether the applicant is fit and qualified.

Note: The term "fit and qualified" is defined in s. DCF 57.04 (15) to mean a person who displays the capacity to successfully nurture and care for children and who does not have a history of a civil action or criminal conviction or administrative rule violation that substantially relates to the care of a child, or who exercises unsound judgment or who abuses alcohol or drugs. For help in determining whether a civil action, criminal conviction, or administrative rule violation substantially relates to the care of children, consult s. DHS 12.06.

(e) Nothing in this section requires a licensee to hire an applicant for employment or to retain any staff member.

(3) The licensee shall require each staff member to complete a background information disclosure form and shall conduct a caregiver background check on each staff member every 4 years or at any time within that period.

(4) A licensee may not hire or employ a person who has had a group home license revoked or denied within the last 2 years.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 57.16 Training. (1) ORIENTATION. Within the first week of hire, the licensee shall provide the staff member with all of the following:

(a) A job description created under s. DCF 57.17 (1) (a). The job description shall be signed and dated by each staff member upon receipt by the staff member.

(b) The group home's program statement and policies and procedures, including the personnel policies and procedures created under s. DCF 57.17 (1).

(c) Requirements of child abuse and neglect reporting specified under s. 48.981 (2) and (3), Stats., and information on how to identify and report abuse or neglect situations.

(d) Instruction on how to use fire extinguishers, and on emergency and evacuation procedures.

(e) Any other information that would orient the staff member to the group home.

(2) CPR AND FIRST AID TRAINING. Within 6 months after the date of hire, each staff member shall successfully complete first–aid training and cardio–pulmonary resuscitation training from an American Red Cross or a program certified by the American Red Cross or American Heart Association. The certification shall be renewed in accordance with training guidelines

(3) FIRE SAFETY AND EVACUATION TRAINING. Within 6 months after the date of hire, each staff member hired or contracted for on or after January 1, 2006, shall successfully complete fire safety and evacuation training provided by the Wisconsin Technical College System or a comparable course approved by the department.

(4) INFANT AND TODDLER CARE. Before a staff member or volunteer may provide care and supervision for an infant or toddler as defined under s. DCF 57.37 (2) (a) and (b), the staff member or volunteer used to meet staff to child ratios shall complete the training specified under s. DCF 57.37 (4).

(5) CONTINUING EDUCATION. A licensee shall provide or arrange for at least 24 hours of continuing education annually to each staff member. The training shall pertain to caring for the resident population served by the group home. Types of training that may be acceptable to the department to meet continuing education requirements include all of the following:

(a) Formal courses resulting in credits or continuing education units.

(b) Training provided by the licensee, a staff member, or a volunteer. A summary of the training syllabus shall be kept on file at the group home.

(c) Workshops, conferences, seminars, lectures, correspondence courses, or home study courses.

(d) Time spent reading and viewing educational materials pertaining to the resident population served by the group home may be counted for up to 5 hours of continuing education per year.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (1) (a), (b) and (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.17 Personnel policies and records. (1) POLICIES. A licensee shall have written personnel policies and procedures. The policies and procedures shall include all of the following:

(a) The creation and use of job descriptions that describe the staff member's roles, responsibilities and duties.

(b) An orientation plan that shall include how and when orientation of new hires and volunteers will be conducted and documented.

(c) Work schedules of each staff member and policies on the use of relief help.

(d) Continuing education and training requirements.

(e) Designation of the chain of command or supervisory structure in the group home.

(f) A requirement that each staff member notify the licensee as soon as possible, but no later than the staff member's next working day of the circumstances listed in s. DCF 57.18 (3).

(g) A description of the activities that a volunteer may perform for the group home, orientation of the volunteer, supervision and assurance that the volunteer is following group home policies and procedures, and the information to be provided on the laws of confidentiality and reporting of abuse and neglect.

(h) Handling of emergencies.

(2) PERSONNEL RECORDS. The licensee shall establish and maintain on the premises a personnel record for each staff member. Each personnel record shall contain all of the following for the staff member for which the record was created:

(a) A completed application for employment that shall include the staff member's name, address, date of birth, training, education, work experience, and date of hire.

(b) Current address.

(c) Addresses and telephone numbers of references and reference checks results.

(d) A completed and current background information disclosure form.

(e) The results of the caregiver background check conducted under s. DCF 57.15 (2) (a) and (3), and the results of any subsequent investigation related to information obtained from each background check.

(f) A job description that is signed and dated by the staff member.

(g) A completed physical examination or HealthCheck form, including tuberculosis test results.

(h) The staff member's driver's record, if the staff member is assigned to transport children.

(i) A training record that shall include documentation of the staff member's receipt of the orientation, training, and continuing education required under s. DCF 57.16. Documentation shall include all of the following:

1. Date and time of orientation and each training session.

2. Name of each person that conducted each orientation and training.

3. Total hours of training or continuing education received.

4. Whether the staff member completed the requirements of the training or continuing education session.

(j) Documentation of all first aid and CPR certifications.

(k) Any disciplinary actions issued to the employee.

(2m) EXEMPTION. Relief help are exempt from providing a physical examination or HealthCheck form to the licensee.

(3) VOLUNTEER PERSONNEL RECORD. The licensee shall establish and maintain on the premises a volunteer personnel record for each volunteer used by the licensee. Each record shall contain all of the information required in sub. (2) except the physical examination or HealthCheck form and caregiver background check results.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (1) (f), (2) (d), (e) and (i) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; correction in (2) (d) made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 57.18 Staff member and volunteer responsibilities. (1) Pursuant to s. 48.981 (2) and (3), Stats., a licensee, staff member, or volunteer who knows or has reasonable cause to suspect that a child has been abused as defined in s. 48.02 (1), Stats., or neglected as defined in s. 48.02 (12g), Stats., shall immediately inform by telephone or in person, a county department of human or social services or a local law enforcement agency.

(2) Staff members and volunteers shall keep information and records on residents confidential pursuant to the requirements in s. DCF 57.39.

(3) Each staff member shall notify the licensee as soon as possible, but no later than the staff member's next working day of all of the following:

(a) A conviction of any crime.

(b) A current or past investigation by any governmental agency for any act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

(c) A governmental finding substantiated against them of abuse or neglect of a client or of misappropriation of a client's property.

(d) A denial, restriction, or other limitation of a license or credential from the department of safety and professional services.

(4) The staff member shall demonstrate competency in the group home's program statement, policies and procedures, roles and responsibilities, and resident rights.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register May 2010 No. 653; correction in (3) (d) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672, eff. 1–1–12.

Subchapter III — Admission and Discharge

DCF 57.19 Admissions. (1) A child may not be admitted to a group home except under a written voluntary agreement or court order.

(2) Except as provided in sub. (2m), admission of a child under a voluntary agreement may not exceed 15 days from the date the child was removed from the home and may not be extended.

(2m) An admission of a custodial parent or expectant mother may be under a voluntary placement agreement for no longer than 180 days from the date on which the child was removed from the home under the agreement. A placement agreement under this subsection may be extended if an independent reviewing agency, such as an agency licensed under s. 48.61 (3), Stats., or a county department, determines that the extension would be in the best interests of the resident and if the resident and the resident's parent or guardian consent to the extension.

(3) If a placing agency places a child in a group home, the agency shall enter a written agreement with the licensee. The agreement shall include all of the following pursuant to s. 48.64 (1m), Stats.:

(a) That the agency shall have access at all times to the child and the group home.

(b) That the child will be released to the placing agency whenever the agency or the department finds that the best interest of the child requires it.

(4) Admission decisions shall be in accordance with the group home program statement, the compatibility of the child with the group home and the policies and procedures of the group home, and this chapter.

(5) (a) Except as provided in par. (b), there shall be no more than 4 years difference in the ages of the children admitted to the group home as residents.

(b) The age difference limitation stated in par. (a) does not apply to children admitted to a group home licensed for respite care or for homeless and runaway youth.

(6) A group home may admit a child 18 years of age or over, but under 21 years of age, if any of the following circumstances exist:

(a) The group home will not have more than 2 children under s. DCF 57.04 (6) (b) to (e).

(b) The group home has a license to serve a resident population that is 18 years of age or over, but under 21 years of age, and is transitioning to independence.

Note: A licensee of an existing group home may request a license amendment under s. DCF 57.515 (2).

(c) The department has granted an exception under s. DCF 57.02 to allow the group home to admit or continue the admission of the child. If the group home does not have a license specified in par. (b), an exception is required before the group home may admit or provide care for more than 2 children under s. DCF 57.04 (6) (b) to (e).

Note: The cross−references to s. DCF 57.04 (6) (b) to (e) in pars. (a) and (c) are incorrect. Section DCF 57.04 (6) as created by emergency rule, EmR1414, contained paragraphs (a) to (e), but that text was modified in the final permanent rule, CR 14−054, to no longer contain paragraphs (a) to (e). This subsection, s. DCF 57.19 (6), was created by EmR1414 and not modified in CR 14−054 to take into account the changes to s. DCF 57.04 (6) by CR 14−054. Section s. DCF 57.04 (6), as created by EmR1414 read as shown below. This subsection will be corrected by future rulemaking.

DCF 57.04 (6) "Child" is a person who is under 21 years of age, is under juvenile court jurisdiction or other court order, and any of the following:

(a) The person is under 18 years of age.

(b) The person is 18 years of age or over, but under 19 years of age; a full−time student at a secondary school or its vocational or technical equivalent; and reasonably expected to complete the program before reaching 19 years of age.

(c) The person turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the person is a full−time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the person.

(d) The person is under 19 years of age, and a court order was entered when the person was under 18 years of age that places or continues the placement of the person for care and maintenance until the date that is one year or less after the date on which the order was entered.

(e) The person is 18 years of age or over, but under 21 years of age, and is placed under another state's placement and care responsibility under 42 USC 675 (8) (B) (iv).

(7) Each child admitted to a group home as a resident shall have had a health examination performed by an individual licensed to perform the examination no more than one year before being admitted to the group home or shall have the examination within 30 days after the date of admission if the consent required under s. DCF 57.25 (1) has been obtained. Documentation of the examination shall be maintained in the resident's record as required in s. DCF 57.38 (1) (i) 3.

(8) Before or upon admission to a group home each resident shall be provided with all of the following:

(a) Information on exits and evacuation routes.

(b) Oral notification and a written copy of the resident rights specified in s. DCF 57.24. If the resident is 17 years of age or younger, a copy shall also be made available to the resident's parent or guardian, and legal custodian, if available.

(c) A copy of the house rules developed under s. DCF 57.05 (2) (k). A copy of the house rules shall also be provided to the resident's parent, guardian, or legal custodian, as appropriate.

(9) Upon receipt of a notice of revocation of the group home license and during any revocation proceedings that may result, the licensee may not admit a child as a resident except as provided in s. DCF 57.56 (2).

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (7), (8) (b), (c) and (9) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1414: emerg. r. and recr. (6), eff. 8−1−14; CR 14−054: r. and recr. (6) Register April 2015 No. 712, eff. 5−1−15.

DCF 57.20 Discharge. (1) Except as provided in sub. (3), the licensee shall complete and send to the appropriate placing agency a discharge summary for each resident discharged from the group home within 30 days of the resident's discharge. A copy of the summary shall be placed in the resident's record. The discharge summary shall include all of the following:

(a) Dates of the resident's stay.

(b) Reason for discharge.

(c) Summary of incidents involving the resident as described in s. DCF 57.13 (1).

(d) Description of type of admission.

(e) Any other relevant information.

(2) The discharge summary developed for a respite care or other placement under a voluntary agreement shall be provided to the parent, guardian, legal custodian, or placing agency, as appropriate upon discharge. A copy of the summary shall be placed in the resident's record.

(3) Thirty days before a discharge of a resident whose placement is court ordered for reasons other than revocation or denial of a license, the post−discharge plan developed under s. DCF 57.23 (3) shall be provided to the resident, the resident's parent, guardian or legal custodian, if available.

(4) The licensee shall allow the placing agency at least 15 days to make plans for a resident whom the licensee requests that the placing agency remove from the group home unless both parties agree to earlier removal.

(5) All of the resident's personal belongings, including medical equipment shall accompany the resident upon discharge. A complete accounting of these items shall be placed and maintained in the resident's record required under s. DCF 57.38. Medication shall be handled as required under s. DCF 57.25 (6) (e) to (g).

(6) By the effective date of a license revocation the licensee shall have arranged for alternative placement for each resident. Arrangements for alternative placement shall be made in cooperation with each resident's parent or guardian, and legal custodian or placing agency, if not the same. The licensee shall share the placement information with the licensing representative at least one week before the effective date of the revocation.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (1) (c), (3) and (5) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

Subchapter IV — Resident Care

DCF 57.205 Principles for nurturing care. The group home shall do all of the following:

(1) Provide a safe, stable, and humane environment.

(2) Encourage a resident's autonomy, respect a resident's need for privacy and consider a resident's preferences and choices while providing care, supervision, and training.

(3) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes and behaviors of residents and families of various cultures.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.21 Staff to resident ratios and supervision. (1) In this section, "supervision" means guidance of the behavior and activities of a resident by a staff member who is within sight or sound of a resident to ensure the safety and well−being of the resident.

(2) The staff−to−resident ratios of a group home shall be as follows:

(a) *1:5 during waking hours.* A group home shall have at least one staff member awake and providing supervision for every 5 or fewer residents present in the group home during waking hours.

(b) *1:8 during sleeping hours.* A group home shall have at least one staff member awake and providing supervision during sleeping hours.

(3) The staff−to−resident ratios in sub. (2) and s. DCF 57.36 (5) are the minimal staffing requirements for resident care staff. The number of resident care staff on duty shall be increased as necessary to meet the needs of residents and to ensure their safety and welfare.

(4) A volunteer may be used to meet the staff−to−resident ratio requirements in sub. (2) and s. DCF 57.36 (5) when 6 or more residents are in care if the volunteer meets the staff qualifications under s. DCF 57.14 (4) (c).

(5) No resident may be in the group home without supervision by a staff member.

(6) A licensee shall ensure that supervision is provided for each resident appropriate to the resident's age, maturity, behavior,

and developmental level and sufficient to ensure the safety of all residents in the group home.

(7) A licensee shall ensure that sufficient staffing is available to provide supervision of a resident during suspensions and other extended absences from school.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. r. and recr., eff. 9−16−11; CR 11−026: r. and recr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.22 Resident activities. (1) ACTIVITY PLANNING AND SCHEDULING. The licensee shall establish and implement a written plan of general activities for residents that shall include all of the following:

(a) Leisure−time activities.

(b) Opportunities to engage in social and community activities.

(c) Self−expression and communication.

(d) Opportunities for physical exercise to encourage gross and fine motor development.

(e) Guidance and assistance in the development of daily living skills.

(f) Activities appropriate to a resident's ethnic culture.

(g) Opportunities for activities geared towards the individual interests of residents.

(2) RELIGIOUS TRAINING AND PRACTICE. Each resident shall be provided with opportunities for voluntary religious expression and participation in religious education and attendance at services compatible with the religious preference of the resident, or a parent or guardian of the resident.

(3) RECREATION. A variety of indoor and outdoor recreational activities and developmentally appropriate play equipment shall be offered.

(4) TELEPHONE USAGE. Telephone usage by a resident shall be governed by the resident rights under s. DCF 57.24 and the resident's treatment plan or placement agreement.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.23 Treatment planning and assessment. (1) ASSESSMENT. (a) *Residents*. Within 30 calendar days after the date a resident is admitted to the group home, a staff member shall perform a comprehensive written assessment of the resident for use in the development of a treatment plan. If the child is admitted to the group home under a voluntary agreement for respite care, the assessment shall be completed by the date of admission to the group home and shall include all of the following:

1. Information about the resident's developmental, behavioral, educational and medical history; family and significant relationships; legal history; substance abuse history and any past treatment.

2. A description of the resident's current status, including mental status, medical needs, current activities, educational status, any current and recent substance abuse usage and personal strengths.

(b) *Children of residents*. Assessments of children of residents are not required.

(2) TREATMENT PLAN. (a) Upon completion of the assessment required under sub. (1), the program director shall develop a written treatment plan with the participation of the placing agency; the resident; a parent if the resident is under 18 years of age; a guardian and legal custodian, if applicable and available; and the persons who will provide the required services to the resident. A completed treatment plan for each resident shall be placed in the resident's record maintained by the group home under s. DCF 57.38 and shall include all of the following:

1. A description of the resident's strengths, needs, and preferences.

2. Treatment goals for the resident and the time frames for achieving those goals.

3. A description of behavior interventions to be utilized with the resident. The licensee shall ensure that methods of behavior intervention are positive, based on the resident's needs, stage of development and behavior and promote self control.

4. Specific services and supports to be provided to achieve the treatment goals, and names of persons, agencies or position titles responsible for providing services and implementing any of the treatment goals.

5. Permanency planning goals.

6. Goals related to independent living skills, if the resident is 15 years of age or older.

7. Specific indicators that treatment goals have been achieved.

8. Any court ordered conditions.

9. Projected length of stay and conditions for discharge.

10. Visits to the resident by parents and other family members with the approval of the placing agency and in accordance with clients' right standards to ensure that an appropriate relationship is maintained between the resident and family members.

11. Arrangements for public school attendance.

12. Consideration of the additional requirements for care of custodial parents and expectant mothers under s. DCF 57.36 and care for children under 6 years of age under s. DCF 57.37, as applicable.

13. Consideration of additional requirements for the care of children under s. DCF 57.04 (6) (c) and (e).

Note: The cross−reference to s. DCF 57.04 (6) (c) and (e) is incorrect. Section DCF 57.04 (6) as created by emergency rule, EmR1414, contained paragraphs (a) to (e), but that text was modified in the final permanent rule, CR 14−054, to no longer contain paragraphs (a) to (e). This subsection, s. DCF 57.19 (6), was created by EmR1414 and not modified in CR 14−054 to take into account the changes to s. DCF 57.04 (6) by CR 14−054. Section s. DCF 57.04 (6), as created by EmR1414 read as shown below. This subsection will be corrected by future rulemaking.

DCF 57.04 (6) "Child" is a person who is under 21 years of age, is under juvenile court jurisdiction or other court order, and any of the following:

(a) The person is under 18 years of age.

(b) The person is 18 years of age or over, but under 19 years of age; a full−time student at a secondary school or its vocational or technical equivalent; and reasonably expected to complete the program before reaching 19 years of age.

(c) The person turned 18 years of age on or after August 1, 2014, but is under 21 years of age; the person is a full−time student at a secondary school or its vocational or technical equivalent; and there is an individualized education program under s. 115.787, Stats., in effect for the person.

(d) The person is under 19 years of age, and a court order was entered when the person was under 18 years of age that places or continues the placement of the person for care and maintenance until the date that is one year or less after the date on which the order was entered.

(e) The person is 18 years of age or over, but under 21 years of age, and is placed under another state's placement and care responsibility under 42 USC 675 (8) (B) (iv).

(b) Each treatment plan shall be reviewed at least once every 3 months. The review shall be conducted by all of the persons included in the initial development of the plan, if possible. All of the following shall be reviewed and documented:

1. Progress made toward achieving the goals established in the treatment plan and any barriers encountered in achieving the goals.

2. Any changes in the treatment plan, including any changes to specific indicators of revised goals, time frames for achievement of treatment goals, and service providers.

(3) DISCHARGE PLANNING. (a) Preparation for discharge shall begin at the time of admission with the outlining of goals to be achieved and ongoing modification as progress towards goals dictates. The group home shall document in the resident's record efforts made by staff members to prepare the resident and the resident's family for discharge.

(b) The resident; the parent, guardian, or legal custodian; and the placing agency shall be given an opportunity to participate in developing a post−discharge plan. The plan shall include recommendations for continuing or additional services upon discharge

and the name of the person or agency to receive the resident upon discharge, if applicable.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (2) (a) (intro.) and 12. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1414: emerg. am. (2) (a) (intro.), cr. (2) (a) 13., eff. 8–1–14; CR 14–054: am. (2) (a) (intro.), cr. (2) (a) 13. Register April 2015 No. 712, eff. 5–1–15.

DCF 57.24 Resident rights. (1) The licensee shall be knowledgeable of and ensure that staff members and volunteers observe the patient rights and grievance resolution procedures in s. 51.61, Stats., and ch. DHS 94, for each resident who receives services for treatment of mental illness, a developmental disability, alcoholism or drug dependency. Residents that are not specifically identified as coming under s. 51.61, Stats., and ch. DHS 94 shall have rights and grievance resolution procedures that are comparable to those found in s. 51.61, Stats., and ch. DHS 94.

(2) A copy of the DHS 94 patient's rights and the group home grievance procedure shall be posted in each group home in a prominent place accessible to residents, staff members and visitors.

Note: Patients' rights information and posters can be obtained at http://dhs.wisconsin.gov/clientrights/FormsPubsPosters.htm.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.25 Medical care. (1) CONSENT. (a) Any medical examination or service provided to a resident shall be provided only by an individual licensed to perform the examination or service being provided. Before an examination or service is provided, written consent to perform the examination or service shall be obtained as follows:

1. For a resident who is under 14 years of age, written consent of a resident's parent or guardian.

2. For a resident who is between 14 and 18 years of age, consent of the resident's parent or guardian with the consent of the resident whenever feasible.

3. For a resident who is 18 years of age or older, consent of the resident is required unless the resident has been deemed incompetent by a court and has a court appointed guardian or legal custodian, in which case the consent of the guardian or legal custodian is required.

(b) Consent shall include consent to administer emergency medical services including surgery for life threatening situations when a parent, cannot immediately be reached. Verbal consent may be obtained in an emergency situation where time or distance precludes obtaining written consent. Both the written consent and any verbal consent shall be documented in the resident's record, by indicating who obtained the consent, who gave the consent and that person's relationship to the resident, and what specific services are authorized by the consent. A verbal consent shall be valid for 10 calendar days, during which time there shall be a good faith effort to obtain written consent.

(2) MEDICATION ADMINISTRATION. (a) *Information required to administer medication.* No staff member may administer medication to a resident unless the staff member has received the group home's policies established under s. DCF 57.05 (2) (c) for administering and monitoring medication use.

(am) After receiving the information described in sub. (2) (a), staff shall receive the following:

1. Procedure for administering the medication being given as described by the physician, pharmacist or as indicated on the label of an over the counter medication or a prescribed medication or both. If the label on prescribed medication is not clear, a staff member shall contact the pharmacy that filled the prescription for clarification.

2. Procedures for documenting the administration of medication as specified under sub. (3).

3. The purpose of the medication.

4. Any potential adverse side effects of the medication being administered.

5. Procedure to follow if a resident refuses medication, including refusal of psychotropic medication as described in sub. (7).

6. Known drug allergies of the resident.

7. Any other information that may be relevant to administration of the medication.

(b) *Limitation on who can administer medication.* Medication may be administered to a resident only in the presence of a staff member that has been authorized in writing by the program director or the group home manager, to administer medication.

(c) *Self administration.* Medication may be self–administered by a resident only under all of the following conditions:

1. Self–administration is authorized in writing from the prescribing practitioner.

2. There is no demonstrated history of risk that the resident may harm self through abuse or overdose.

3. The resident's treatment plan includes an evaluation by the program director of the resident's capability to self–administer medication.

4. The resident recognizes and distinguishes the medication or treatment and knows the condition or illness for which the medication or treatment is prescribed, the correct dosage, and when the medication or treatment is to be taken.

5. The medication is not a psychotropic medication as defined in sub. (7) (a).

(3) MEDICATION ADMINISTRATION DOCUMENTATION. (a) Immediately upon administering medication to a resident or a resident self–administering medication, the staff member administering or supervising the administration of medication shall write all of the following in the resident's record:

1. Full name of the resident to whom the medication was administered.

2. Date and time the medication was administered.

3. Name and dosage of the medication administered or medical treatments received.

4. Signature of the staff member who administered or supervised the administration of medication.

5. Any refusal of medication.

6. Any adverse reaction to the medication and steps taken to notify the resident's health care provider, parent, guardian, or legal custodian.

7. Any error in medication administration and the steps taken to notify the resident's physician as required in sub. (5).

(b) Each entry made under this subsection shall be written in ink.

(4) ADVERSE REACTION TO MEDICATION. In the event of an adverse reaction to any medication, a staff member shall immediately notify the resident's parent or guardian and the attending physician.

(5) MEDICATION ERRORS. The attending physician shall be notified in the event of a medication error. The department and placing agency shall be notified as required in ss. DCF 57.13 (1) (e) and 57.135.

(6) MEDICATION STORAGE AND DISPOSAL. The licensee shall comply with all of the following requirements for storing medication:

(a) Medication including over–the–counter medication, shall be kept in the container in which it was purchased or prescribed. No person may transfer medication that has been prescribed or purchased over–the–counter to another container or change the label on any medication, unless the person is a pharmacist as defined in s. 450.01 (15), Stats.

(b) Medication shall be locked and stored in a location that is inaccessible to children. Only staff members who are designated in writing by the program director shall have access to keys to the medication. Prescription and over−the−counter medication shall not be stored next to chemicals or other contaminants.

(c) Medication shall be kept under acceptable conditions of sanitation, temperature, light, moisture, and ventilation according to the requirements of each medication. Medication that requires refrigeration shall be stored in a separate locked compartment or container that is properly labeled, stored separately from food items, and kept inaccessible to children.

(d) Medication for internal consumption shall be stored separately from medication for external application.

(e) Within 72 hours of the medication's expiration date, the date the medication is no longer in use by the resident for whom the medication was prescribed or purchased, or the date the resident is discharged, unused medication shall be returned to a parent, guardian, or legal custodian of the resident, for removal from the group home or shall be destroyed by the group home manager or returned to the prescribing pharmacy to be destroyed.

(f) The group home shall maintain a log of medication destroyed. The information logged shall be written in ink and shall include the amount of medication destroyed, the name of the staff member who destroyed the medication, and the name of the resident to whom the medication belongs. Whenever medication is released to a resident's parent, guardian or legal custodian, that information, including the name of the person receiving the medication, shall be documented in the resident's record.

(g) The group home shall contact the local police to destroy the medications or contact the Division Officer at the U.S. Drug Enforcement Agency (DEA) for instructions for destroying controlled substances.

Note: The address and phone number for the U.S. Drug Enforcement Agency is 1000 North Water Street, Milwaukee, WI 53202, or call (414) 297−3395, extension 5300.

(7) PSYCHOTROPIC MEDICATION. (a) *Definitions*. In this subsection, "psychotropic medication" means any drug that affects the mind and is used to manage inappropriate resident behavior or psychiatric symptoms and may include an anti−psychotic, an antidepressant, lithium carbonate or a tranquilizer.

(b) *Rights of patients*. A group home shall comply with the provisions of s. 51.61 (1) (g) and (h), Stats., for each resident who is prescribed psychotropic medication.

(c) *Non−emergency procedures*. A group home serving a resident for whom psychotropic medication is newly prescribed shall ensure that all of the following requirements are met:

1. A medical evaluation of the resident is completed by a physician detailing the reason for the type of psychotropic medication prescribed. The evaluation or screening shall be documented in the resident's record within the first 45 days after the resident has first received a psychotropic medication. Subsequent evaluations of the resident related to the administration of psychotropic medications shall be completed as recommended by the prescribing physician and the results documented in the resident's record.

2. The resident, if 14 years of age or older, and a parent, or guardian of the resident, have signed written consent forms as required under s. DHS 94.03, unless psychotropic medications are administered per court order. If the medication is administered per court order, there shall be a copy of the order in the resident's record.

3. All group home staff understand the potential benefits and side effects of the medication and have received information relating to contraindicated medications.

(d) *Emergency procedures*. For emergency administration of a psychotropic medication to a resident, a group home shall do all of the following:

1. Have authorization from a physician.

2. Whenever feasible, obtain written informed consent from a parent, or guardian, and the resident, if the resident is 14 years old or older, before using the medication unless the medication is administered per court order

3. Comply with the group home's emergency medical procedures.

4. If written informed consent of a parent or guardian of a the resident was not obtained before administration of the medication notify the parent or guardian by phone as soon as possible following emergency administration and document the dates, times, and persons notified in the resident's treatment record.

5. Document the physician's reasons for ordering emergency administration of psychotropic medication in the resident's treatment record.

(e) *Revocation of consent or refusal to take*. 1. A resident's parent or guardian may revoke consent for non−emergency use of psychotropic medications at any time, as provided under s. DHS 94.03.

2. When a consent is revoked, the group home shall do all of the following:

a. Administer the medication pursuant to a court order or as prescribed by a physician to avoid serious physical harm to the resident or others.

b. Inform the prescribing physician and the placing person or agency of the consent revocation and document the revocation in the resident's treatment record.

3. When a resident refuses to take a prescribed psychotropic medication, the group home shall do all of the following:

a. Document the resident's reasons for refusal in the resident's treatment record.

b. Notify the resident's physician, the parent or guardian or legal custodian and the resident's placing person or agency. Notification shall be immediate if the resident's refusal threatens the resident's well−being and safety.

(f) *Administration standards*. In administering psychotropic medication, a group home shall comply with requirements for administration of prescription medication in this section and clinically acceptable standards for good medical practice. Conformance to guidelines of the department's division of disability and elder services for use and monitoring of the effects of psychotropic medications satisfies the requirement for clinically acceptable standards and for good medical practice.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (2) (a), (5), (7) (c) 2. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.26 Dental care. Within 30 days after admission to a group home, each resident over the age of 3 years old who is admitted to the group home for other than respite care shall receive a dental examination unless an examination has been performed within 6 months before the resident's admission. Subsequent dental examinations shall occur at intervals not exceeding 6 months after the last examination or completion of treatment.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.27 Behavior intervention. (1) PROHIBITED MEASURES. No licensee, staff member, or volunteer may do any of the following:

(a) Hit, shake, pinch, push, twist or use any other means that the staff member or volunteer knows or should know may inflict mental or physical harm or actions that may be psychologically, emotionally or physically painful to a resident.

(b) Verbally abuse a resident or use profanity, or any language that the staff member or volunteer knows or should know may ridicule a resident.

(c) Lock a resident in a room or any other place.

(d) Use any item to cover a resident's head or face or wrap the resident's body with sheets, blankets, or any other material.

(e) Require a resident to march, stand, kneel, or assume and remain in any fixed position or assign work that is not therapeutic and not a part of the resident's treatment plan.

(f) Release any noxious, toxic or otherwise unpleasant substances near the eyes or face of a resident.

(g) Authorize, direct or ask a resident to discipline another resident.

(h) Discipline one resident for the behavior or action of another resident.

(i) Employ any measure that the staff member or volunteer knows or should know is aversive, cruel, humiliating or that may be psychologically, emotionally, or physically painful, discomforting, dangerous, or potentially injurious to a resident.

(j) Use any mechanical restraint or equipment that restricts the movement of an resident or a portion of the resident's body as behavior intervention.

(k) Use a prone restraint that places a resident in a face down position as behavior intervention.

(2) TIME-OUTS. (a) As used in this subsection, "time−out" means a behavior intervention technique that involves brief periods of physical separation of a resident from others.

(b) A time−out may not be used for the convenience of staff members or volunteers, as a substitute for supervision of a resident, or for a child under 3 years old.

(c) Areas used for time−outs shall be free of objects with which a resident could self−inflict bodily harm, shall provide a staff view of the resident at all times and shall be equipped with adequate ventilation and lighting.

(d) The use of time−outs shall be appropriate to the developmental level and the age of the resident and may not be for a period longer than the period of time necessary for the resident to regain control. The maximum length of time that a resident may be in a time−out on each occurrence of a time−out is as follows:

1. For a child 3 through 6 years of age, a time−out may not exceed 10 minutes.

2. For a child 7 through 10 years of age, a time−out may not exceed 15 minutes.

3. For a child over 11 years of age, a time−out may not exceed 30 minutes. The need for continued use of a time−out shall be reviewed at least every 10 minutes and documented in the resident's record.

(e) A resident that is in a time−out shall be permitted use of the toilet if requested.

(f) Any resident that is in a time−out shall be within hearing of a staff member.

(g) Within 12 hours of occurrence, there shall be documentation in the resident's record of each time−out, including the name of each staff member involved, the length of the time−out, and rationale for use.

(3) EMERGENCY SAFETY INTERVENTION. (a) A staff member may not use any type of physical restraint on a resident unless the resident's behavior presents an imminent danger of harm to self or others and physical restraint is necessary to contain the risk and keep the resident and others safe.

(b) A staff member shall attempt other feasible alternatives to de−escalate a resident and situation before using physical restraint.

(c) A staff member may not use physical restraint as disciplinary action, for the convenience of the staff member, or for therapeutic purposes.

(d) If physical restraint is necessary under par. (a), a staff member may only use the physical restraint in the following manner:

1. With the least amount of force necessary and in the least restrictive manner to manage the imminent danger of harm to self or others.

2. That lasts only for the duration of time that there is an imminent danger of harm to self or others.

3. That does not include any of the following:

a. Any maneuver or technique that does not give adequate attention and care to protection of the resident's head.

b. Any maneuver that places pressure or weight on the resident's chest, lungs, sternum, diaphragm, back, or abdomen causing chest compression.

c. Any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the resident's head or neck, or that otherwise obstructs or restricts the circulation or blood or obstructs an airway, such as straddling or sitting on the resident's torso.

d. Any type of choke hold.

e. Any technique that uses pain inducement to obtain compliance or control, including punching, hitting, hyperextension of joints, or extended use of pressure points for pain compliance.

f. Any technique that involves pushing on or into a resident's mouth, nose, or eyes, or covering the resident's face or body with anything, including soft objects, such as pillows, washcloths, blankets, and bedding.

4. Notwithstanding subd. 3. f., if a resident is biting himself or herself or other persons, a staff member may use a finger in a vibrating motion to stimulate the resident's upper lip and cause the resident's mouth to open and may lean into the bite with the least amount of force necessary to open the resident's jaw.

(e) After an episode of physical restraint, a debriefing shall take place with the resident and staff that were involved in the physical restraint.

(f) Each staff member who uses a physical restraint or who witnesses the use of a physical restraint shall, within 24 hours of each incident, give the group home manager a written description of the incident. The group home manager shall document each incident, including date, time, and a description of the circumstances of the incident, and report the incident to the field office that serves the group home and the placing agency as required under s. DCF 57.13 (1) (c) and (5). Each description shall include all of the following:

1. The name, age, and sex of each resident involved.

2. The date, time, and location of the incident.

3. The name and job title of each staff member involved in the restraint and each staff member or volunteer who witnessed the use of the restraint.

4. Circumstances leading up to the use of restraint, the behavior that prompted the restraint, efforts made to de−escalate the situation and the alternatives to restraint that were attempted.

5. A description of the administration of the restraint, including the holds used and the reasons the holds were necessary.

6. The beginning and ending time of the restraint and how the restraint ended.

7. Behavior of the resident during and after the use of the restraint.

8. Any injuries sustained by a resident or staff member and any medical care provided, including the name and title of the person providing the care.

9. Any follow−up debriefing provided to residents and staff.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (3) (c) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. cr. (1) (j), (k), r. and recr. (3), eff. 9−16−11; CR 11−026: cr. (1) (j), (k), r. and recr. (3) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.28 Clothing. (1) The licensee shall ensure that funds allocated by the placing agency for the purchase of clothing for residents are used in such a manner that residents are provided with clothing that is individually selected and fitted, appropriate to the season, and comparable to that of others in the community.

(2) Whenever possible, each resident shall be given an opportunity to participate in the selection and purchase of his or her clothing.

(3) Each resident's clothing shall be regularly laundered and in good repair.

(4) Clothing purchased for a resident shall be the property of that resident. The group home shall keep a log in each resident's record of clothing purchases.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.29 Hygiene. Each resident shall be provided with sufficient amounts of individually dispensed soap, clean towels, toilet paper, toothpaste, shampoo, deodorant, and other personal hygiene products that are gender specific to the resident population.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.30 Household duties. (1) Residents shall have opportunities to share in responsibility for household duties or chores appropriate to the resident's age, developmental level, health, and ability.

(2) Household duties of residents may not interfere with school attendance, family visits, sleep, study, or religious practice and may not violate the principles of nurturing care described in s. DCF 57.205.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.305 Spending money. (1) Each resident shall be given a regular, base amount of spending money appropriate to his or her age and maturity. Older residents can be given opportunities to earn extra money above and beyond the base allowance.

(2) A resident's spending money may not be withheld as a disciplinary action.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.31 Food and nutrition. (1) Food shall be available and provided to residents in sufficient quantities and varieties, and shall provide for nutritional and dietary needs. Food or modified diets ordered by a physician shall be provided for those residents who have special needs. In planning menus, the religious practices and cultural patterns of the residents shall be considered and foods offered accordingly. Menus shall meet the minimum nutritional requirements as found in Appendix B.

(2) At no time shall food be withheld from a resident.

(3) Daily menus shall be written, kept on file and available for at least 30 days after meals have been served.

(4) Spoiled or deteriorated food shall be disposed of immediately.

(5) Prepared food shall be covered and stored at temperatures that protect against spoilage. Dry foods shall be dated and stored in rigid, covered containers or single use food storage plastic bags with a zip top closure. Food in dented, bulging or leaking cans, or in cans without labels, may not be used.

(6) Leftover food that is not served shall be marked with the date of preparation and refrigerated or frozen immediately for later use.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.32 Education. (1) School age residents shall be enrolled in school as soon as possible after admission to the group home. The licensee shall ensure that each resident meets the school attendance requirements under chs. 115 and 118, Stats., unless otherwise excused by school officials.

(2) A group home may not provide a home–based private educational program to residents unless the program is approved by the department of public instruction as a private school under s. 118.165, Stats.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.33 Sleeping arrangements. (1) Each resident shall be provided with a separate bed. A child of a resident who is a custodial parent shall also have his or her own crib, bed, or bassinet as appropriate for the needs of the child and may not share a bed with his or her parent.

(2) A resident who is 18 years of age or older may not share a bedroom with a child who is under 18 years of age, unless the resident who is 18 years of age or older is continuing to share a bedroom with a child he or she had already been sharing the bedroom with before turning 18 years of age.

(3) No resident may share a bedroom with a licensee, staff member, volunteer, household member, or with a visitor to the premises.

(4) Male and female residents may not share the same bedroom.

(5) No more than 4 residents shall occupy any bedroom. For a group home initially licensed after January 1, 2006, no more than 2 residents shall occupy a bedroom.

(6) A room that others must pass through to get to another part of the group home shall not be used as a bedroom for a resident.

(7) Regular sleeping provisions for residents may not be in any building, apartment, or other structure that is separate from the group home structure or in an unfinished attic, unfinished basement, in a hall or in any other room that is not typically used for sleeping purposes. No household member may be permitted to regularly sleep in any of these areas in order to accommodate a resident.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; EmR1106: emerg. am. (1), eff. 9–16–11; CR 11–026: am. (1) Register December 2011 No. 672, eff. 1–1–12; EmR1414: emerg. am. (2), eff. 8–1–14; CR 14–054: am. (2) Register April 2015 No. 712, eff. 5–1–15.

DCF 57.34 Non–ambulatory residents. The licensee shall ensure that non–ambulatory residents receive care and services according to that resident's treatment plan.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.35 Additional requirements for group homes providing respite care. (1) APPLICABILITY. If a group home is licensed under s. DCF 57.51 or approved under s. DCF 57.515 to provide respite care, the licensee shall meet the additional requirements of this section.

(2) STAFF. (a) Each staff member who provides care for a respite care resident shall have training or work experience related to any specific condition or need of the resident for whom care is provided. Staff members with no previous training or experience working with the specific condition or need of a respite care resident shall receive at least 8 hours of supervised experience or more if necessary to provide competent care.

(b) The group home shall designate by name or position a staff member who will have primary responsibility for oversight of respite care residents.

(3) PROGRAM STATEMENT AND POLICIES. The program statement required under s. DCF 57.05 (1), shall address the purpose for which respite care is provided, compatibility of children with diverse needs and how the respite care program relates to other program components of the group home. The policies and procedures established under s. DCF 57.05 (2), shall include procedures on assessing the medical and dietary needs and behavioral and emotional concerns of a child admitted to the group home for respite care.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; corrections in (1) and (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.36 Additional requirements for group homes providing care for custodial parents and expectant mothers. (1) APPLICABILITY. If a licensee is licensed under s. DCF 57.51 or approved under s. DCF 57.515 to provide care to

custodial parents or expectant mothers, the licensee shall meet the additional requirements of this section.

(2) TREATMENT PLANNING. The treatment plan developed under s. DCF 57.23 shall include goals and approaches for all of the following:

(a) *Parenting skills.* Parenting skills instruction that includes all of the following:

1. Prenatal and other health care services.
2. Child development.
3. Bathing and hygiene.
4. Child safety.
5. Child guidance and behavior management.
6. Domestic violence issues, sudden infant death syndrome, shaken baby syndrome, and mental health and alcohol and other drug abuse counseling as appropriate.
7. Nutrition and meal preparation.
8. Childcare options.

(b) *Life skills.* Life skills instruction that includes all of the following:

1. Family planning and relationships.
2. Independent living skills, economic self−sufficiency, budgeting and job skills.
3. Accessing community resources, transportation, and transitional housing.

(3) MEDICAL CARE FOR EXPECTANT MOTHERS. An expectant mother shall be provided prenatal and postnatal care from a physician or a nurse−midwife licensed under s. 441.15 (3), Stats. The licensee shall ensure that the expectant mother gives birth in a medical facility.

(4) HEALTH SAFETY AND WELFARE OF CHILDREN OF RESIDENTS. The licensee shall ensure the health, safety, and welfare of the children of residents and provide care to those children in compliance with this chapter.

(5) CHILD CARE FOR CHILDREN OF CUSTODIAL PARENT. (a) If the resident is not on the premises or is otherwise unable to care for his or her child, childcare may be provided on the premises only as follows:

1. The staff to child ratio may not be less than that specified in Table DCF 57.36. If care is provided to a mixed−age group of children, the staff−to−child ratio in Table DCF 57.36 shall be adjusted on a pro−rata basis pursuant to Appendix D.

Table DCF 57.36

Age of Children	Minimum Number of Staff Members or Volunteers to Children
Birth to 2 Years	1:4
2 Yrs. to $2^1/_2$ Yrs.	1:6
$2^1/_2$ Yrs. to 3 Yrs.	1:8
3 Yrs. to 4 Yrs.	1:10
4 Yrs. to 5 Yrs.	1:13
5 Yrs. to 6 Yrs.	1:17
6 Yrs. and Over	1:18

2. The staff member or volunteer used to meet staff to child ratios as defined in subd. 1. shall have completed the training requirements as set forth under s. DCF 57.37 (4).

3. If childcare is provided for payment, reimbursement or other compensation to 4 or more children under 7 years of age, the child care program must be licensed under ch. DCF 250 or 251.

(b) Childcare may be provided off premises only by a child care provider that is licensed or certified under ch. DCF 250, 251, or 252, as applicable.

(6) NON−CUSTODIAL PARENTS. The licensee shall give children of residents the opportunity and encouragement to maintain involvement with non−custodial parents.

(7) SPACE REQUIREMENTS. In addition to the floor space required for bedrooms under s. DCF 57.40 (6) (b) 3., there shall be at least 35 square feet of additional floor space in a bedroom for each child sharing a bedroom with a parent.

(8) WATER SUPPLY. The annual test of private well water under s. DCF 57.40 (3) (a) 2. shall include testing for nitrate levels. If nitrate levels are determined to be over 10 milligrams per liter, the licensee shall give notice to the department field office that serves the group home within 48 hours.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (1), (2) (intro.), (5), (7) and (8) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (8), eff. 9−16−11; CR 11−026: am. (8) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.37 Additional requirements for care of children 6 years of age or younger. (1) APPLICABILITY. If a group home is licensed under s. DCF 57.51 or approved under s. DCF 57.515 to admit children under 6 years of age as residents or if the group home provides care to a resident who is the custodial parent of a child under the age of 6, the group home shall meet the additional requirements of this section.

(2) DEFINITIONS. In this section:

(a) "Infant" means a child under one year of age.

(b) "Toddler" means a child at least one year of age but less than 2 years of age.

(c) "SIDS" means Sudden Infant Death Syndrome.

(3) TREATMENT PLAN. A treatment plan is not required for children of residents. The treatment plan developed under s. DCF 57.23 (2) for a resident under 6 years of age shall include:

(a) Schedule of meals and feeding and types of food introduced.

(b) Toileting and diapering procedures.

(c) Sleep and nap schedule.

(d) Communication methods and comforting techniques.

(e) Developmental history.

(f) Medical history and medication management.

(4) STAFF TRAINING. Each staff member who provides care to a child under this section shall successfully complete at least 10 hours of training in infant and toddler care; at least 40 hours or 3 credits of early childhood training and training in infant and child CPR within 6 months after beginning employment, unless the staff member has previously received such training and certification is current. The training in infant and toddler care shall include instruction on SIDS risk reduction and shall be approved by the department.

(5) DIAPERING. Wet or soiled diapers and clothing shall be changed promptly. Each child shall be changed on a surface that is cleaned with soap and water and a disinfectant solution after each use. Soiled diapers shall be placed in a plastic−lined, covered container, which shall be emptied, washed and disinfected daily.

(6) FURNISHINGS AND BEDDING. (a) Each child shall be provided with a bassinet, crib, or bed that is safe and appropriate to the needs of the child. Cribs shall have crib slats that are securely fastened in place and are spaced no more than 2 3/8 inches apart. Crib mattresses shall fit snugly. Bassinets and cribs shall be washed and disinfected between changes in occupancy. The top bunk of a bunk bed shall not be used for a child under 4 years of age. The top bunk shall have a safety rail if occupied by a child under 8 years of age.

(b) Pillows and sheepskins shall not be used with infants.

(c) The group home shall provide eating utensils and cups, infant seats, high chairs, car seats, strollers, rocking chairs, tables and seating and other furnishings and equipment appropriate for

size and developmental level and the needs of children under 6 years of age.

(7) SAFETY MEASURES. (a) Strings and cords long enough to encircle a child's neck shall not be accessible to children.

(b) When infants and toddlers are present, open stairways shall be protected at the top and bottom with child safety gates. Gates shall have latching devices that adults can open easily in an emergency. Pressure gates or accordion gates shall not be used.

(c) Steam radiators, fireplaces, wood−burning stoves, electric fans, electric outlets, electric heating units and hot surfaces, such as pipes, shall be protected by screens or guards.

(d) Differences of elevation, including platforms, walkways, balconies and open sides of stairways shall be protected by railing at least 36 inches in height and with bars no greater than 4 inches apart.

(8) WATER. If an infant under 6 months old is in care, the annual test of private well water required under s. DCF 57.40 (3) (a) 2., shall include testing for nitrate levels. If nitrate levels are determined to be over 10 milligrams per liter, the licensee shall give notice to the department field office that serves the group home within 48 hours.

(9) NUTRITION AND FEEDING. (a) Food shall be available to infants and toddlers in accordance with the meal patterns consistent with those specified in Appendices B and C, as applicable.

(b) If a microwave is used to heat or prepare food, procedures for heating and cooking infant formula, milk, or food in a microwave oven shall be posted near the microwave.

(c) Bottles shall not be propped. A child unable to hold a bottle shall be held whenever a bottle is given.

(d) Infants and toddlers shall not be put to bed with a bottle.

(10) MEDICAL CARE. Each child shall receive routine physical examinations and immunizations pursuant to s. 252.04, Stats., and ch. DHS 144, by a licensed medical professional.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (1), (3) (intro.) and (8) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (8), r. (11), eff. 9−16−11; CR 11−026: am. (8), r. (11) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.38 Resident records. (1) The licensee shall maintain on the premises a record for each current resident. Each record shall contain all of the following information:

(a) Resident's first name, last name, and alias, if any, date of birth, and gender.

(b) Recent photograph of the resident.

(c) Voluntary placement agreement or court order or both as appropriate.

(d) Referral information such as court reports and assessments from the placing agency.

(e) Name, address and telephone number of the placing agency, parent, guardian, or legal custodian that is responsible for the resident.

(f) Name, address, and telephone number of the person or placing agency and physician to be called in an emergency.

(g) If the group home is a family−operated group home, a completed form CFS−872A, Information for Foster Parents−Part A and a completed form CFS−872B, Information for Foster Parents−Part B.

Note: Form CFS 872A, Information for Foster Parents − Part A and form CFS 872B, Information for Foster Parents – Part B can be found in the forms section of the department's website at http://dcf.wisconsin.gov or by telephoning any field office listed in Appendix A.

(h) Treatment plan and reviews and post−discharge plan.

(i) Current medical information including all of the following:

1. Medical consent and signed releases.

2. Name of physician and dentist.

3. Dates of medical and dental examinations and recommendations for follow−up care.

4. Immunizations.

5. Illnesses and accidents and dates of each.

6. Medications and treatments received and dates of each.

7. Allergies, including allergies to food or medication.

8. Physical limitations.

(j) Name of school and current grade.

(k) Religious preference.

(L) Incident reports involving the resident for whom the record was made.

(m) Description of any resident rights that are denied or limited and disposition of any grievances.

(n) Inventory of the resident's clothing and other possessions.

(o) Non−medical signed releases and consents.

(p) Discharge summary.

(q) Any other information as appropriate.

(2) Resident records shall be maintained in a secure location pursuant to the confidentiality requirements in s. DCF 57.39. The record required in sub. (1) shall be maintained by the licensee until the resident reaches the age of 21 or 7 years after the resident is discharged from the group home, whichever is later. The record of a resident that has been discharged may be stored off the premises, but must be made available to the department upon request.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1414: emerg. am. (2), eff. 8−1−14; CR 14−054: am. (2) Register April 2015 No. 712, eff. 5−1−15.

DCF 57.39 Confidentiality. Information and records on residents shall be kept confidential and shall be protected from unauthorized examination pursuant to s. 48.78 and 48.981 (7), Stats., or where applicable s. 51.30 (4), Stats., and ch. DHS 92.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

Subchapter V — Physical Environment and Safety

DCF 57.40 Physical plant and environment. (1) GENERAL REQUIREMENTS. (a) In addition to maintaining the premises in compliance with state and local building code requirements, the licensee shall maintain the premises in a state of good repair and in a clean, safe and sanitary condition.

(b) The department may require a licensee to obtain an inspection of the premises and of the heating, electrical, plumbing, water and sewage systems to determine if any safety or health problems exist.

(2) EXITS. (a) Halls leading to exits shall be clear and unobstructed at all times. At least one exit door shall be at least 3 feet in width.

(b) All stairways serving 3 or more levels shall have a door at either the bottom or top of the stairway which shall be kept closed at all times.

(c) 1. Habitable rooms on the second floor shall have access to at least 2 exits. At least one of the exits shall be a stairway to the first floor or to grade.

2. If a child 6 years of age or over occupies a room on the second floor, a window may be used as an exit if the window can be opened from the inside without the use of tools, is at least 22 inches in the smallest dimension, is at least 5 square feet in area, and has a lower sill not more than 4 feet from the floor and a window escape ladder for use in an emergency evacuation.

3. If a child under 6 years of age occupies a room on the second floor, the second exit may be an additional stairway to the first floor or grade or an exit to a balcony that is not more than 15 feet above grade with a floor that measures at least 3 feet by 3 feet and a rail that is not more than 36 inches high.

(d) Habitable rooms above the second floor shall have at least 2 exits that are both stairways to the second floor or to grade or that

are to one stairway to the second floor and one stairway to grade. Windows and balconies may not be designated as exits.

(e) Habitable rooms below grade shall have at least 2 exits. At least one exit shall be a stairway to grade or a door that is below grade level that leads to grade level by an outdoor stairway. The second exit may be either a stairway leading to a first floor above grade or a window that meets the requirements in par. (c) 2.

(3) WATER AND SEWER. (a) *Water supply.* 1. The group home shall have an adequate and safe water supply.

2. If the group home's water supply is from a private well, the well shall be approved by the department of natural resources. Water samples from an approved well shall be tested at least annually for lead and bacteria by a laboratory certified under ch. ATCP 77. If the group home population includes children under 6 years old or expectant mothers, the water shall be tested as required in s. DCF 57.36 (8) or 57.37 (8), as applicable.

(b) *Sewage.* The group home shall have an adequate sewage disposal system. If the group home has a private sewage disposal system, the system shall be approved by the appropriate governmental approving authority.

(c) *Water temperature.* The group home shall be equipped with a water heater sufficient to meet the needs of all residents. The hot water delivered to the group home's sinks, tubs, and showers shall not exceed 110° Fahrenheit.

(4) HEATING, COOLING AND VENTILATION. (a) The group home shall be equipped with a heating system that is capable of maintaining a temperature of at least 68° Fahrenheit.

(b) All rooms, including bedrooms must be provided with adequate heating, cooling and ventilation.

(c) If the temperature inside the group home exceeds 80° Fahrenheit during summer months, the licensee shall provide for air circulation with fans or by other means.

(d) The heating unit shall be maintained in a safe condition as determined by an annual inspection by an individual professionally qualified to conduct such inspections.

(e) Portable space heaters shall not be used.

(f) Bath and toilet rooms shall have either a window that opens or be equipped with exhaust ventilation to the outside.

(5) LIGHTING. All habitable rooms shall have electric lighting sufficient to meet the needs of the group home and its residents.

(6) SPACE REQUIREMENTS. There shall be at least 200 square feet of living space for each resident of the home. "Living space" includes any area that is used by a resident in daily living and excludes unfinished basement, attic, attached garage or similar areas, not usually occupied by a resident in daily living. The licensee shall ensure compliance with all of the following space requirements:

(a) *Bathroom requirements.* 1. Bathrooms shall be indoors.

2. A group home serving only males or only females shall have at least one full bathroom that contains a toilet, sink, and a tub or shower available for use by residents. A group home initially licensed on or after January 1, 2006, serving males and females shall have 2 full bathrooms that are gender specific, each containing a toilet, sink and a tub or shower, unless the department grants an exception under s. DCF 57.02.

3. A bathroom that can be accessed only through a room used as a bedroom may not be counted as being available for use by residents who do not occupy that bedroom.

4. If the total number of residents and children of residents over the age of 2 years exceeds 10, there shall be 2 full bathrooms.

(b) *Bedroom requirements.* 1. Each bedroom shall have a door that allows for privacy and a window that allows natural light to enter.

2. At least one wall of each room used as a bedroom by a resident shall be an outside wall.

3. For group homes licensed before January 1, 2006, the floor space of each bedroom shall be as follows:

a. A bedroom that is used by one resident shall have at least 55 square feet of floor space.

b. A bedroom that is occupied by 2 residents shall have at least 50 square feet of floor space for each resident.

c. A bedroom that is occupied by 3 or more residents shall have at least 45 square feet of floor space for each resident.

d. A bedroom that is occupied by a custodial parent and that parent's child or children shall have the additional square footage required in s. DCF 57.36 (7).

4. For a group home that is licensed after the effective date of this rule, January 1, 2006, all of the following shall apply:

a. A bedroom that is used by one resident shall have at least 80 square feet of floor space. If the resident is non−ambulatory or uses adaptive devices for ambulating, the bedroom shall have at least 100 square feet of floor space.

b. A bedroom that is used by more than one resident shall have a minimum of 60 square feet of floor space for each resident. If either or both of the residents are non−ambulatory or uses adaptive devices for ambulation, the bedroom shall have at least 80 square feet of floor space for each resident.

5. The minimum space between beds, cribs, and bassinets shall be at least 2 feet. There shall be at least 5 feet of space between bunk beds. The top deck of a bunk bed shall be at least 3 feet below the lowest point of the ceiling and there shall be at least 3 feet between upper and lower bunks.

(c) *Dining areas.* Dining areas shall be of sufficient size to permit all residents and staff to sit down for meals at one time.

(d) *Kitchen.* 1. The kitchen shall be equipped with a stove, refrigerator, cooking and eating utensils, and any other appliance or utensil that may be required to meet the needs of each resident.

2. Each refrigerator and freezer shall be equipped with a clearly visible, accurate thermometer. Refrigerators shall be maintained at 40° Fahrenheit or lower. Freezers shall be maintained at 0° Fahrenheit or lower.

(e) *Storage space.* A group home shall have storage space to accommodate clothing and other personal items of each resident of the group home.

(f) *Study areas.* There shall be a quiet area in the group home suitable for study.

(g) *Laundry.* Laundry facilities shall be available to meet the needs of all residents. Any laundry equipment in the group home shall be installed and vented in accordance with the manufacturer's recommendations.

(7) STAIRWAYS. Each stairway shall have a handrail.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (3) (a) 2., (6) (a) 2. and (b) 3. d. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; correction in (3) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register August 2011 No. 668; EmR1106: emerg. cr. (7), eff. 9−16−11; CR 11−026: cr. (7) Register December 2011 No. 672, eff.1−1−12.

DCF 57.41 General safety precautions. (1) Windows and doors that are used for ventilation shall be properly screened.

(2) Electrical systems and appliances shall be in good repair and properly protected.

(3) Tubs and showers shall have safety strips or other non−slip surfaces applied to prevent slipping.

(4) Group homes constructed on or after the effective date of this chapter, January 1, 2006, shall provide ground fault outlets for any electrical outlet within 6 feet of a water source in bathrooms, kitchens, laundry rooms, basements, in the garage and on the exterior of the group home.

(5) Staff members and volunteers shall use universal precautions when exposed to blood and blood containing body fluids and tissue discharges.

(6) The indoor and outdoor premises shall be free of hazards.

(7) There shall be no flaking or deteriorating paint on exterior or interior surfaces.

(8) No lead based paint or other toxic finishing material may be used on the premises of the group home.

(9) Stairways, halls, and aisles shall be maintained in good repair, adequately lighted and free from obstacles.

(10) Stairs shall have a non−slip surface.

(11) Exterior stairs, walks, ramps and porches shall be maintained in a safe condition and free from the accumulation of water, ice, or snow.

(12) Dangerous equipment and harmful substances unnecessary for the operation of the group home may not be kept on the premises. All necessary but potentially dangerous equipment, toxic substances and medications shall be kept inaccessible to residents.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.42 Fire safety. (1) SMOKE DETECTION. (a) Each group home shall have a smoke detection system. The system shall be an electrically interconnected system listed by Underwriter's Laboratory or a radio signal−emitting system which has at least one centrally mounted alarm horn which, when activated can be heard throughout the premises.

(b) A smoke detector shall be located at each of the following locations in the home:

1. Head of every open stairway.

2. Next to doors leading to every enclosed stairway on each floor level.

3. Every hall. Smoke detectors located in a hall shall not be spaced more than 30 feet apart nor more than 15 feet from any wall.

4. Common use rooms, including living rooms, dining areas, lounges, family rooms and recreation rooms, except the kitchen.

5. Bedrooms.

6. Basement.

7. Attic, if accessible.

(c) The smoke detection system shall be tested at least monthly and results documented and kept on file at the group home.

(d) A smoke detector that is located in a room used as a bedroom may be battery operated, free−standing and separate from the interconnected system.

(2) FIRE EVACUATION. (a) There shall be a diagrammatic floor plan of the group home posted on each floor level of the group home clearly indicating the direction of each exit for emergency evacuation.

(b) Evacuation drills shall be conducted with residents at least monthly and documented, including the date and time of the drill, the evacuation time and any problems encountered during the drill. An evacuation drill shall be conducted during sleeping hours, or which, simulates sleeping hours at least once every 6 months.

(c) Staff members shall personally evacuate each resident with limited mobility or having limited understanding regarding evacuation procedures from the group home. If the group home population includes a hearing impaired resident, there shall be written procedures specifying that a staff member shall immediately alert the resident in case of fire.

(3) FIRE EXTINGUISHERS. (a) Each group home shall have a fire extinguisher in the size, type, and location specified by the local fire department. At least one fire extinguisher shall be located in the kitchen and on each floor level of the group home.

(b) Each extinguisher shall be operable at all times, inspected at least once a year by a qualified fire safety expert and have a label indicating its present condition and date of its last inspection.

(4) FIRE SAFETY INSPECTION. The licensee shall have an annual fire safety inspection. The results of the inspection shall be reported to the department field office that serves the group home as required under s. DCF 57.13 (9).

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. am. (4), eff. 9−16−11; CR 11−026: am. (4) Register December 2011 No. 672, eff. 1−1−12.

DCF 57.425 Carbon monoxide detector. (1) A group home in a one−unit or two−unit building shall have a functional carbon monoxide detector installed in the basement and on each floor level, except the attic, garage, or storage area of each unit, in accordance with the requirements of s. 101.647, Stats.

Note: A one−unit building is a single family residence. A two−unit building is a duplex or two−flat.

(2) A group home in a building with at least 3 units shall have one or more functional carbon monoxide detectors installed in accordance with the requirements of s. 101.149, Stats.

History: EmR1106: emerg. cr., eff. 9−16−11; CR 11−026: cr. Register December 2011 No. 672, eff.1−1−12.

DCF 57.43 Furnishings and appliances. (1) The living space shall be sufficiently furnished and in a good state of repair, maintained in a clean condition, and shall allow for free and informal use by residents.

(2) Each bed shall be of such size as to ensure comfort of the resident. Each bed shall have suitable springs in good condition, a clean, comfortable mattress that is covered with a mattress pad and a waterproof covering when necessary, a pillow, at least 2 sheets, a bedspread, and blankets adequate for the season.

(3) The top bunk of a bunk bed shall not be used by residents with conditions limiting mobility and shall have a safety rail if used by a child under 8 years of age.

(4) Triple−deck bunk beds shall not be used.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.44 Sanitation. (1) All garbage containing food waste shall be kept in covered, non−combustible watertight containers. Garbage shall be removed from the group home daily.

(2) Dishes, silverware, and utensils shall be maintained and stored in a clean and sanitary manner. Eating and drinking utensils shall be thoroughly cleaned with detergent and hot water and rinsed after each use.

(3) Single service dinnerware and utensils shall not be used at meals on a regular basis and may not be re−used.

(4) All bed linens shall be changed at least once a week or more often if necessary.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

Subchapter VI — Licensing and Enforcement

DCF 57.45 Group home location. (1) A person who operates a group home shall be licensed by the department pursuant to this chapter and s. 48.625, Stats. Only one group home license may be issued for any one location.

(2) For each location proposed for licensure by an applicant in sub. (1), the individual, corporation, or agency as applicable shall make a good faith effort to establish and maintain a community advisory committee as specified in s. 48.68 (4), Stats.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.46 Other licenses and uses. Upon licensure, a licensee may not accept any other license, including a child welfare or child care license, perform a service, or conduct a business on the premises, or combine group home activities with any service or business owned or operated by the licensee without the written approval of the department.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.47 Group home capacity limits. The combined total of the number of residents residing in a family−oper-

ated group home and the number of children of the licensee shall not exceed 10.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

DCF 57.48 General conditions for approval of application. (1) Any person licensed to operate a group home shall be a responsible, mature individual who is fit and qualified.

Note: The term "fit and qualified" is defined in s. DCF 57.04 (15) to mean displaying the capacity to successfully nurture and care for children and shall not include a history of a civil action, criminal conviction or administrative rule violation that substantially relates to the care of a child; a history of exercising unsound judgement; or abuse of alcohol or drugs. For help in determining whether a civil action, criminal conviction, or administrative rule violation substantially relates to the care of children consult s. DHS 12.06.

(1m) In determining whether an applicant is fit and qualified, the department may consider any of the circumstances in ss. DCF 57.50 (1), 57.56 (1), and 57.57 (1) (a) by an owner, agent, staff member, household member, or other individual directly or indirectly participating in the operation of the group home.

(2) If the department has reason to believe that the physical health or mental health of an applicant, licensee, or household member may endanger a resident, the department may issue a denial or revocation of the license or may require that a written statement be submitted by a physician, or if appropriate, by a licensed mental health professional that certifies the condition of the individual and the possible effect of that condition on the group home or the residents in care.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (1m) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.485 Determination of need. (1) NEED DETERMINATION BEFORE LICENSE APPLICATION. No person may apply for a license to operate a new group home or for an amendment to a license that would increase the bed capacity of an existing group home until the department has reviewed the need for the additional placement resources that would be made available by the issuance or amendment of the license and has certified in writing that a need exists for the proposed additional placement resources.

(2) DOCUMENTATION OF NEED. An applicant for a determination of need under sub. (1) shall submit all of the following documents to the department:

(a) A statement of support by one or more counties, the division of Milwaukee child protective services, or the department of corrections stating that the proposed additional placement resources are needed.

(b) A detailed description of the why there is a need for this particular group home and any facts that support the applicant's assertion for that need.

(c) A detailed plan for the operation of the proposed group home that includes all of the following:

1. The number, sex, and age range of the children to be served.

2. The type of needs or disabilities of children to be served.

3. Number of staff listed by job title, degree or certification, and full–time or part–time status.

4. A description of the proposed program and treatment goals.

5. The location of the group home and a drawing of the layout of the physical plant.

Note: Send the determination of need documentation to the Department of Children and Families, Bureau of Permanence and Out–of–Home Care, Child Welfare Licensing Section, 201 E. Washington Avenue, Madison, WI 53708.

(3) DEPARTMENT DETERMINATION. (a) The department shall review an applicant's documents for completeness and may ask the applicant for additional information that the department considers necessary to make the determination of need.

(b) Within 90 days after the date on which the department received all required documents and information from an applicant, the department shall send written notice of its determination of need to the applicant. The notice shall state the specific reason for the determination. If the department determines that the proposed additional placement resources are needed, the notice shall be accompanied by the department's certification of need.

(c) The department shall consider an application that remains incomplete for a 90–day period after receipt of any documentation to be withdrawn.

Note: A certification of need allows a person to apply for a group home license. It does not guarantee that the department will issue a license nor does it guarantee any placements.

(4) APPEAL. (a) An applicant or a party adversely affected by a determination issued under sub. (3) may request an administrative hearing under s. 227.42, Stats., from the department of administration's division of hearings and appeals by submitting a written request for hearing to that office so that it arrives there within 30 days after the date of the notice under sub. (3).

(b) The standard of review for the hearing shall be whether the record contains the quantity and quality of evidence that a reasonable person could accept as adequate to support the decision.

Note: To request a hearing, submit the request to: Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707–7875 or deliver it to the Division at 5005 University Ave., Room 201, Madison, WI.

History: EmR1034: emerg. cr., eff. 9–2–10; CR 10–105: cr. Register July 2012 No. 679, eff. 8–1–12; correction in (2) (a) made under s. 13.92 (4) (b) 6., Stats., Register September 2016 No. 729.

DCF 57.49 License application. (1) Except as provided in sub. (3), a person who wishes to operate a group home shall submit to the department an application signed as specified in sub. (2) at least 60 days before the date proposed to begin operating the group home. The application shall be made on the department's form CFS 375 and shall be accompanied by all of the following:

(a) The license fee required under s. 48.625 (2) (a), Stats.

(am) A certification of need issued by the department under s. DCF 57.485 (3) (b).

(b) A completed background information disclosure form which shall be completed and signed as follows:

1. If the applicant is one or more individuals, a background information disclosure form shall be completed and signed by each individual applicant and each household member who is 10 years old or older.

2. If the applicant is a corporation or an agency, a background information disclosure form shall be completed and signed by an authorized representative.

(c) Inspection reports verifying that the proposed group home's physical structure, electrical, heating and plumbing systems have been inspected and are in safe operating condition according to applicable industry standards.

(d) Documentation of efforts to establish and maintain the community advisory committee as required under s. DCF 57.45 (2).

(e) Payment of any forfeitures, fees, assessments related to any licenses issued by the department to the applicant, or a written statement signed by an authorized representative stating that no fees, forfeitures, assessments are owed.

(f) Proof of the insurance required under s. DCF 57.08.

(g) A copy of the personnel policies required under s. DCF 57.17 (1) and any revisions as appropriate.

(h) A copy of the group home's policies and procedures required under s. DCF 57.05.

(i) If the applicant for licensure is a corporation, proof of incorporation or authorization to do business in Wisconsin, as required under s. DCF 57.52.

(im) A proposed per client rate that each group home will charge for services provided in the current year and a proposed budget with the same cost categories as the department's cost and service report under s. DCF 57.62 (1) (a).

(j) Any other information requested by the department.

Note: A copy of the application form CFS 375 may be requested in writing or by phone from the appropriate field office listed in Appendix A. The completed applica-

tion and license fee should be returned to the field office from which the application was received.

(2) If an applicant for licensure is an agency or corporation, an authorized representative of the agency or corporation as applicable shall sign the application. If the applicant for licensure is one or more individuals, the application shall be signed by each individual.

(3) A licensee applying for a license for an additional group home location shall be in compliance with this chapter in the operation of the existing group home and in compliance with regulations for any other facility licensed by the department and operated by the licensee. Any forfeitures due under s. 48.715, Stats., on other facilities licensed by the department shall be paid before the issuance of an additional license.

(4) Except as provided in s. DCF 57.50 (3), the department may not process an application for a license from a person who is prohibited from licensure under s. DCF 57.50 or who meets the conditions under s. 48.715 (5), Stats., if the applicant has had a license or certification to operate a group home revoked or denied within the last 2 years before the date of the application. A person is deemed ineligible to submit an application for a license within 2 years from the date the person had a group home license revoked or denied.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (1) (b), (d), (f) to (i) and (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; EmR1106: emerg. cr. (1) (im), eff. 9−16−11; CR 11−026: cr. (1) (im), correction in (1) (im) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672, eff. 1−1−12; EmR1034: emerg. cr. (1) (am), eff. 9−2−10; CR 10−105: cr. (1) (am) Register July 2012 No. 679, eff. 8−1−12; correction in (1) (b) (intro.), 2. made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 57.50 Licensure prohibited. (1) The department shall not license a person if any one of the following circumstances exists:

(a) The department has received certification pursuant to s. 49.857 (2), Stats., that the applicant or licensee has failed to pay court−ordered payments of child or family support or expenses related to the support of a child or former spouse or has failed to comply with a subpoena or warrant by the department of or a county child support agency related to paternity or child support proceedings.

(b) The department has received certification pursuant to s. 73.0301, Stats., from the department of revenue certifying that the applicant or licensee has a delinquent tax liability.

(c) The licensee or applicant has given false information to a government agency, failed to submit a complete application, withheld relevant information, or failed to pay any fee, forfeiture or assessment due to a government agency.

(2) The department may deny a license if any one of the following circumstances exists:

(a) A person has behavior or a mental or physical condition that gives reasonable concern for the safety of residents.

(b) Another group home operated by the licensee is in substantial non−compliance with the licensing rules or has outstanding fines or forfeitures.

(c) If an applicant, owner, or licensee, a proposed or current staff member, volunteer, household member or any other person who has or will have contact with residents is any of the following:

1. A person who is the subject of a pending criminal charge or who has been convicted of a felony or misdemeanor that substantially relates to the care of children or activities of the group home.

Note: Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

2. A person who has been determined by a government agency to have abused or neglected a child or who has been determined to have committed an offense that is substantially related to the care of children or activities of the group home.

3. A person against whom a finding of abuse or neglect or of a misappropriation of property of a client has been entered on the Wisconsin caregiver registry maintained by the department pursuant to ch. DHS 13.

4. A person who is the subject of a court finding that the person has abandoned, abused, or neglected a child.

5. A person who fails to submit a background information disclosure form completed under the requirements of s. 48.685, Stats., and ch. DCF 12, and this chapter, or a person who has made false statements on the background information disclosure form.

(3) If a person's license is denied or revoked under sub. (1), reinstatement of the license is pursuant to s. 49.857 or 73.0301, Stats., as applicable.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (2) (c) 3. and 5. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11−026: am. (1) (a) Register December 2011 No. 672, eff. 1−1−12; correction in (2) (c) 5. made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 57.51 Probationary and regular license. (1) The initial license granted to an applicant for a group home license shall be a probationary license. A probationary license shall be valid for a period of 6 months from the date of issuance unless sooner revoked or suspended. A probationary license may be renewed for an additional 6−month period.

(2) If a probationary licensee wishes to apply for a regular license, the probationary licensee shall submit to the department, the application and materials specified in s. DCF 57.49, at least 30 days before the date the probationary license expires.

(3) Upon receipt of a complete application for a regular license and except as provided in s. DCF 57.50, the department may issue a regular license which shall be valid and continued for a period of 2 years unless sooner revoked or suspended.

(4) If the licensee wishes to continue a regular license, the licensee shall submit to the department, the application and materials specified in s. DCF 57.49 at least 30 days before the end of the 2 year period. Upon receipt of a complete application to continue a regular license, and except as provided in s. DCF 57.50, the department may continue a regular license for an additional 2 years.

(5) If the department does not receive a complete application to continue a regular license at least 30 days before the end of each 2 year period, the department shall issue a written warning to the licensee. If the licensee fails to apply for a continuance of the license within 30 days after receipt of the warning, the department may revoke the license under s. DCF 57.56 for failure to apply for a continuance of the license as required in sub. (3), or take any other action appropriate to protect the health safety and welfare of the residents.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (2) to (5) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.515 License provisions. (1) The licensee may not change a license provision without first receiving approval from the department. The licensee shall submit to the department a written request for approval to amend the license. The request shall identify the provision that the licensee wishes to have amended or included under the license and the specific reasons that the provision should be amended or included under the license. Receipt of an amended license from the department shall be evidence of the department's approval of any requested changes to the license provisions.

Note: A request for approval for an amended license may be sent to the field office that serves the group home.

(2) A request to amend a license to serve a resident population that is 18 years of age and over, but under 21 years of age, and is transitioning to independence, shall be on a form prescribed by the department.

Note: Form DCF−F−5081−E, *Amendment Request to Extend Care to Residents 18 Years of Age or Over, But Under 21 Years of Age*, is available in the forms section of the department's website, http://dcf.wisconsin.gov, or from a department field office. See Appendix A for the address of the field office for your area.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; EmR1414: emerg. renum. to (1), cr. (2), eff. 8−1−14; CR 14−054: renum. to (1), cr. (2) Register April 2015 No. 712, eff. 5−1−15.

DCF 57.52 Corporate licensure. (1) Before a corporation may be issued a license to operate a group home the corporation shall be incorporated under the laws of Wisconsin or shall have written authorization from the department of financial institutions to do business in Wisconsin.

(2) The corporation shall designate an authorized representative who shall have responsibility for the administration of the group home.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.53 Transferability of license. A group home license may not be transferred.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.54 Posting of license and citations. The group home license and any exceptions to the license granted by the department under s. DCF 57.02, citations issued by the department in its most recent inspection on the department's form CFS−294, and any notice of enforcement action including notices of license revocation, non−renewal, or summary suspension shall be posted in a place in the group home where it can be easily viewed by the public.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.55 Sanctions and penalties. The department may impose an order or penalty as provided in s. 48.715 (2) and (3), Stats.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06.

DCF 57.56 License revocation. (1) In addition to the reasons for revocation specified under ss. 48.66 (5) and 48.715 (4) and (4m), Stats., the department may revoke a regular or probationary license under any of the following circumstances:

(a) If an applicant, owner, or licensee, a proposed or current staff member, volunteer, household member or any other person who has or will have contact with residents is any of the following:

1. A person who is the subject of a pending criminal charge or who has been convicted of a felony or misdemeanor that substantially relates to the care of children or activities of the group home.

Note: Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

2. A person who has been determined by a government agency to have abused or neglected a child or who has been determined to have committed an offense that is substantially related to the care of children or activities of the group home.

3. A person against whom a finding of abuse or neglect or of a misappropriation of property of a client has been entered on the Wisconsin caregiver registry maintained by the department pursuant to ch. DHS 13.

4. A person who is the subject of a court finding that the person has abandoned, abused, or neglected a child.

5. A person who fails to submit a background information disclosure form completed under the requirements of s. 48.685, Stats., and ch. DCF 12, and this chapter, or a person who has made false statements on the background information disclosure form.

(b) The licensee or applicant has given false information to a government agency, failed to submit a complete application, withheld relevant information or failed to pay any fee, forfeiture or assessment due to a government agency.

(c) The licensee failed to comply with the requirements in s. DCF 57.62 (1) and (3).

(2) Upon receipt of a notice of revocation, the licensee may not admit any child for care to the group home without written approval of the department. By the effective date of a license revocation, the licensee shall have arranged for discharge of the residents in the manner specified under s. DCF 57.20 (6).

(2m) (a) If the department determines not to grant a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision. Revocation of a license shall take effect either immediately upon notification or 30 days after the date of the notice unless the decision is appealed under s. DCF 57.58. Whether the revocation shall take effect immediately upon notification or 30 days after the date of the notice shall be determined in accordance with the criteria found under s. 48.715 (4m) (a) and (b), Stats.

(b) Upon receipt of the notice of revocation, and during any revocation proceedings that may result, the licensee may not accept for care any child not enrolled as of the date of receipt of the notice without written approval of the department's licensing representative.

History: CR 04−067: cr. Register September 2005 No. 597, eff. 1−1−06; corrections in (1) (a) 3., 5., (2) and (2m) (a) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 11−026: cr. (1) (c) Register December 2011 No. 672, eff. 1−1−12; correction in (1) (a) 5. made under s. 13.92 (4) (b) 7., Stats., Register September 2016 No. 729.

DCF 57.57 Summary suspension of a license. (1) (a) The department may close a group home by summarily suspending a regular or probationary license if the department believes the action is required to protect the health safety, and welfare of residents. Reasons for summary suspension include all of the following:

1. Failure of the licensee to maintain or restore environmental protection for the residents, such as heat, water, electricity or telephone service.

2. The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the group home that directly threatens the health, safety or welfare of any child under the care of the licensee.

3. The licensee, an employee, a volunteer or any other person in regular contact with the residents in care has been convicted of, or has a pending charge for a crime against life or a crime of bodily injury.

4. A licensee, staff member, volunteer or any other person in regular contact with the residents in care is the subject of a current investigation for alleged child abuse or neglect under s. 48.981, Stats.

5. The reasons specified under s. DCF 57.56 (1) (a).

(b) Notice of summary suspension of a license may be written or verbal and shall specify the reason for the department action and the date the action becomes effective.

(2) If the department determines that circumstances which caused the action in sub. (1) require the immediate relocation of the residents, the department shall order the licensee orally and in writing to relocate the residents to suitable housing and to notify for each resident, the placing agency and parent or guardian within 24 hours after relocating the resident into that housing.

(3) Within 72 hours after the order in sub. (1), the department shall either permit the reopening of the group home or proceed to revoke the group home's license.

(4) The division of hearings and appeals shall hold a preliminary hearing within 10 working days after the effective date of the

order in sub. (1) to determine if the license should remain suspended during revocation proceedings. The division of hearings and appeals shall give written notice of the hearing to the licensee and the department.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; correction in (1) (a) 5. made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

DCF 57.58 Appeal procedure. (1) Except as provided in subs. (3) and (4), a department decision to deny, refuse to renew, or revoke a license or to issue an order or decision affecting the licensee under s. 48.64 or 48.715, Stats., may be reviewed under ch. 227, Stats.

(2) A request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be sent to the division of hearings and appeals within 10 days after receipt of the notice of the department's action. A request for hearing that is mailed to the division of hearings and appeals shall be considered filed with the division on the date of the postmark. A request for hearing that is hand–delivered to the division of hearings and appeals shall be considered filed on the date the request is received by the division of hearings and appeals. A request for hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing can be submitted by mail or hand–delivered to the Division of Hearings and Appeals, at 5005 University Ave., Room 201, Madison, WI 53705–5400, or faxed to the Division at (608) 264–9885. A copy of the request should be sent to the field office listed in Appendix A that serves the group home.

(3) An appeal of a denial or revocation based on a certification by the department of failure to pay court–ordered payments of support or failure to comply with a subpoena or warrant issued by the department shall be filed pursuant to s. 49.857, Stats.

(4) An appeal of a denial, refusal to renew or revocation of a license based on a certification of tax delinquency from the department of revenue shall be filed within 30 days after the date on which the notice of denial, refusal to renew, or revocation as required under s. 73.0301 (2) (b) 1. b., Stats.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06; EmR1106: emerg. am. (3), eff. 9–16–11; CR 11–026: am. (3) Register December 2011 No. 672, eff. 1–1–12.

DCF 57.59 Complaints. Any person having a complaint about a licensed group home or a group home operating without a license may submit that complaint to the department by telephone, facsimile, electronic mail, letter or personal interview. A department licensing representative shall investigate each complaint. The department shall send a written report of the findings of that investigation to the complainant upon request.

Note: A complaint should be sent, phoned or delivered to the regional field office listed in Appendix A that serves the group home.

History: CR 04–067: cr. Register September 2005 No. 597, eff. 1–1–06.

Subchapter VII — Rate Regulation

DCF 57.60 Rate determination. (1) The department shall determine the maximum per client rate that each group home may charge for costs associated with room, board, administration, service provision, and oversight of youth in the group home based on all of the following:

(a) A maximum per client rate determined by the department that no group home may exceed.

(b) A per client rate that the department determines is appropriate for each group home based on the reasonable and necessary costs of the services provided by that group home.

(2) A group home shall charge all Wisconsin public purchasers the same rate for the same services.

History: EmR1106: emerg. cr., eff. 9–16–11; CR 11–026: cr. Register December 2011 No. 672, eff. 1–1–12.

DCF 57.61 Allowable costs. In determining rates under this subchapter, the department may consider costs incurred for any purpose that is allowable under all of the following:

(1) Applicable federal regulations, including 2 CFR Part 225, 2 CFR Part 230, 45 CFR Part 74, 45 CFR Part 92, and 48 CFR Part 31, except as provided in sub. (2).

(2) Reserves or profit as allowed under the following:

(a) For nonprofit corporations, reserves allowed under s. 49.34 (5m) (b) 2., Stats.

(b) For proprietary group homes, profit allowed on an annual basis is the smaller amount determined under the following 2 methods of calculating profit:

1. The equity method is the sum of 7.5 percent of allowable operating costs plus 15 percent of average net equity for the year. In this subdivision, "average net equity" means the average cost of equipment, buildings, land, and fixed equipment minus the average accumulated depreciation and average long term liabilities for the year.

2. The expenses method is 10 percent of allowable operating costs for the year.

Note: Further explanation is available in the department's *Allowable Cost Policy Manual*, which is available in the Partner Resources/Grants and Contract Administration section of the department's website at http://dcf.wisconsin.gov.

History: EmR1106: emerg. cr., eff. 9–16–11; CR 11–026: cr. Register December 2011 No. 672, eff. 1–1–12.

DCF 57.62 Rate methodology. (1) COST AND SERVICE INFORMATION. Each year by July 1, a licensee shall submit the following information to the department:

(a) A cost and service report in which the licensee reports the group home's costs, types of services provided, and number of children served in the previous year. The report shall be submitted on a department–prescribed form.

Note: The cost and service report form is available at https://dcf.wisconsin.gov/ratereg .

(b) The group home's most recent audit report under s. DCF 57.07 (1).

(2) MAXIMUM ALLOWABLE RATE. Each year no later than September 1, the department shall notify licensees of the per client rate that no group home may exceed for services provided in the following calendar year.

(3) PROPOSED RATES. (a) Each year no later than October 1, a licensee shall submit to the department a proposed rate for the following calendar year for each group home that the licensee operates. The licensee shall submit the proposed rate on a department–prescribed form.

(b) A licensee may request an exception to the department's maximum rate under sub. (2) if the licensee provides a specialized service or specialized programming to a specific population of children. The exception request shall explain the benefits of the service or programming and why the licensee cannot provide the service or programming within the maximum rate. The exception request shall be made on the rate request form.

Note: The rate request form is available at https://dcf.wisconsin.gov/ratereg .

(4) REVIEW OF A PROPOSED RATE. In reviewing a proposed rate submitted by a licensee under sub. (3), the department shall consider all of the following:

(a) Whether the proposed rate exceeds the maximum rate determined by the department under sub. (2).

(b) The group home's most recent cost and service report under sub. (1) (a).

(c) The group home's most recent audit report under sub. (1) (b).

(d) Whether the group home's reported costs are within a range of similar costs reported by other group homes for similar items and services.

(e) The group home's per client rate in previous years.

(f) Changes in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of

labor, for the 12 months ending on June 30 of the year in which the proposed rate is submitted.

(g) Changes in the consumer price index for all urban consumers, U.S. city average, for the medical care group, as determined by the U.S. department of labor, for the 12 months ending on June 30 of the year in which the proposed rate is submitted.

(h) Changes in the allowable costs of group homes based on current actual cost data or documented projections of costs.

(i) Changes in program utilization that affect the per client rate.

(j) Changes in the department's expectations relating to service delivery.

(k) Changes in service delivery proposed by a group home and agreed to by the department.

(L) The loss of any source of revenue that had been used to pay expenses, resulting in a lower per client rate for services.

(m) Whether the group home is accredited by a national accrediting body that has developed child welfare standards.

(n) Changes in any state or federal laws, rules, or regulations that result in any change in the cost of providing services, including any changes in the minimum wage, as defined in s. 49.141 (1) (g), Stats.

(o) Competitive factors.

(p) The availability of funding to pay for the services to be provided under the proposed rate.

(5) RATE APPROVAL. (a) Each year no later than November 1, the department shall notify each licensee that submitted the information as required under subs. (1) and (3) of the maximum approved per client rate for the group home for the following year.

Note: The notification will be sent to the electronic mail address that the licensee has provided to the department.

(b) If the department determines that a proposed rate submitted under sub. (3) is appropriate based on the factors in sub. (4), the department shall approve the proposed rate.

(c) If the department determines that a proposed rate submitted under sub. (3) is not appropriate based on the factors in sub. (4), the department shall negotiate with a licensee to determine an agreed to rate. The department's approved rate under par. (a) shall be based on the factors in sub. (4) and additional relevant information presented during negotiations.

(d) The department may grant a licensee's request for an exception to the department's maximum rate under sub. (3) (b) if the department determines that the licensee has shown by clear and convincing evidence that the licensee's costs are reasonable and necessary given the costs and benefits of the licensee's specialized service or specialized programming.

(6) NONCOMPLIANCE. If a licensee does not submit all information as required under subs. (1) and (3), the department may impose sanctions and penalties under s. DCF 57.56 and s. 48.715, Stats., including license revocation.

History: EmR1106: emerg. cr., eff. 9−16−11; CR 11−026: cr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.63 Rate resolution. (1) MEDIATION. (a) If a licensee has negotiated with the department under s. DCF 57.62 (5) (c) and does not agree to the department's approved rate under s. DCF 57.62 (5) (a), the licensee may request that the department and the licensee engage in mediation. A licensee shall send a request for mediation within 5 business days after the date of the notice in s. DCF 57.62 (5) (a). The request shall be sent by electronic mail to an address specified by the department.

Note: Requests for mediation should be sent to DCFCWLRateReg@wisconsin.gov.

(b) The department shall notify the licensee of the date of the mediation no later than 10 working days after receiving the request under par. (a).

(c) The issues discussed in the mediation shall be limited to the factors in s. DCF 57.62 (4).

(2) ORDER A RATE. If after mediation a rate is not agreed to, the department shall order a rate after considering the factors in s. DCF 57.62 (4) and relevant information presented during negotiation and mediation.

(3) CONTESTED RATE. (a) A licensee may appeal the rate ordered by the department under sub. (2) as a contested case under ch. 227, Stats. A request for hearing may be submitted to the division of hearing and appeals within 30 days after the date of the order.

Note: Requests for hearing may be sent to the Division of Hearings and Appeals, PO Box 7875, Madison, WI 53707

(b) The basis for a request for hearing shall be limited to the factors in s. DCF 57.62 (4).

(c) The division of hearings and appeals shall notify the parties in writing at least 10 days before the hearing of the date, time, and location of the hearing and the procedures to be followed.

History: EmR1106: emerg. cr., eff. 9−16−11; CR 11−026: cr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.64 Extraordinary payments. (1) A licensee may request that a Wisconsin public purchaser pay an extraordinary payment in addition to the rate established under ss. DCF 57.60 to 57.63 for a specific child in care.

(2) A licensee may request and a Wisconsin public purchaser may approve a child−specific extraordinary payment if all of the following conditions are met:

(a) The child has service needs that are not accounted for in the maximum per client rate for the group home as determined by under s. DCF 57.62 (5) or 57.63, as applicable.

(b) The child's service needs are not paid for by another source.

(c) The extraordinary payment will be used to cover expenses that are an allowable cost under s. DCF 57.61.

(3) A licensee shall submit a request for an extraordinary payment to the Wisconsin public purchaser on a form prescribed by the department. The request shall be dated and signed and include all of the following:

(a) Name of the group home, licensee, and any authorized representative.

(b) Name of the child for whom an extraordinary payment is being requested.

(c) Amount of the extraordinary payment requested and time period that the extraordinary payment would cover.

(d) A rationale for the request that includes all of the following:

1. An explanation of the child's service needs.

2. The amount of money that the group home is currently spending to address the child's needs.

3. Any services that are not being provided due to economic constraints.

4. Documentation of the need for additional services by a person with expertise in the child's type of needs.

5. How additional dollars would be allocated and the means by which additional services would be provided.

Note: An extraordinary payment request form is available at https://dcf.wisconsin.gov/ratereg .

(4) The Wisconsin public purchaser shall approve or deny the request or recommend an alternative to meet the child's needs and shall notify the licensee of the determination within 10 working days after receipt of the request form. The Wisconsin public purchaser shall send a copy of the licensee request, the signed and dated determination, and the justification for the determination to the department within 20 days of the approval or non−approval of the request.

Note: Send the required information to the Department of Children and Families, Division of Safety and Permanence, Extraordinary Payments Panel, 201 E. Washington Avenue, P.O. Box 8916, Madison WI 53708−8916.

(5) A licensee may not appeal the denial of a request for an extraordinary payment under this section.

History: EmR1106: emerg. cr., eff. 9−16−11; CR 11−026: cr. Register December 2011 No. 672, eff. 1−1−12.

DCF 57.65 Advisory committee. The department shall convene the rate regulation advisory committee under s. 49.343 (5), Stats., at regular intervals to consult with the department on items in s. 49.343 (5) (a) to (c), Stats.

History: EmR1106: emerg. cr., eff. 9–16–11; CR 11–026: cr. Register December 2011 No. 672, eff. 1–1–12.