

HEALTH AND SOCIAL SERVICES

Chapter HSS 3

COMMUNITY-BASED RESIDENTIAL FACILITIES
(CBRF)

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PREFACE

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

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

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

SUBCHAPTER I—GENERAL PROVISIONS

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

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

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

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

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

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

(2) These rules are intended to ensure that all community based residential facilities respect the rights of individual residents, provide an environment which is as homelike as possible and as least restrictive of each resident's freedom as is compatible with that resident's need for care and services, and provide such care and services and in such a manner that each resident is encouraged to move toward functional independence in daily living or to continue functioning independently to the extent possible.

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

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

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

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

(a) *Care, treatment or services.* Care, treatment or services above the level of room and board but less than nursing care means supervision

(c) Who is not mobile.

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

Note: See HSS 3.12.

(2) A CBRF may admit or retain a person with a need for:

(a) Intermittent nursing care procedures.

(b) Seven hours or less per week of supportive home care services or personal care services or a combination of both.

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

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

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

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

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

(d) The admission is approved by the department.

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

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

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

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

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

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

(2) **APPROVAL.** The approval process shall include a review of the application, the program plan, supporting documents, and an interview and onsite visit by a designated representative of the department to determine if the requirements for licensure are met. All onsite visits shall include an exit interview in which all deficiencies to be cited shall be reviewed.

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

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

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

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

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

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

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

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

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

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

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

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

Register, August, 1978, No. 272

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

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

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

SUBCHAPTER II—ADMINISTRATIVE MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Documented procedures for screening for communicable disease prevention.

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

1. Staff assignments to accomplish program goals.

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

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

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

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

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

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

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

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

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

Table 3.44

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

Note:

¹Ramped or grade level entrance or porchlift required if residents are not capable of negotiating stairs.

²Two-foot 8-inch doors required if residents in wheelchairs are allowed.

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

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

⁵Not required in rooms used only by ambulatory residents.

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

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

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

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

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

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

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

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

HSS 3.45 Construction requirements for new small and medium CBRF. All newly constructed small and medium CBRF shall meet the construction requirements for existing facilities contained in chapter Ind 61 in addition to the requirements affecting new construction found in chapters Ind 50-64.

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

SUBCHAPTER VI - CONSTRUCTION REQUIREMENTS FOR FREESTANDING SMALL CBRF IN EXISTING STRUCTURES

HSS 3.50 Scope. Sections HSS 3.50 to 3.56 apply to all CBRF for 3 to 8 residents which are located in existing buildings, except for:

(1) Any CBRF located in a residential building having:

(a) Three or more units other than a duplex.

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

(2) Any CBRF located in a building any portion of which is used as a place of employment, other than those directly related to operation of

the home, or part of a work therapy program, or an independent work project arranged and undertaken by an individual resident.

Note: Refer to the rules of the department of industry, labor and human relations for construction requirements pertaining to all other CBRF. Medium CBRF in preexisting buildings are subject to chapter Ind 61. All newly constructed CBRF are subject to chapters Ind 50-64. CBRF intending to utilize federal funds may have to comply with other requirements in addition to those outlined herein, such as NFPA 101—Life Safety Code, ANSI standards for barrier-free design, and miscellaneous federal regulations.

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

HSS 3.51 Definitions. For purposes of this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

(g) Every exterior window, exterior door and exterior basement hatchway shall be watertight, rodentproof and reasonably weathertight

and kept in good repair. Every interior door shall be kept in good repair. All installed door and window hardware shall be maintained in good working condition.

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

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

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

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

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

(a) *Attached garages.* 1. Common walls between a CBRF and an attached garage shall be protected with not less than one layer of 5/8-inch Type X gypsum board with taped joints, or equivalent, on the garage side and with not less than one layer of 1/2-inch gypsum board with taped joints, or equivalent, on the CBRF side. Such walls shall provide a complete separation.

2. Floor-ceiling assemblies between garages and CBRF shall be protected with not less than one layer of 5/8-inch Type X gypsum board on the garage side of the ceiling or room framing.

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

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

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

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

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

will be acceptable for meeting the automatic closing device portion of this requirement.

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

(c) Exposed polyurethane surfaces shall be prohibited.

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

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

(1) **MINIMUM TYPE OF CONSTRUCTION FOR EACH CLASS (q.v. 3.41) OF CBRF**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Register, August, 1978, No. 272

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

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

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

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

SUBCHAPTER VII - ADDITIONAL REQUIREMENTS FOR FACILITIES OF OVER 20 BEDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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