

CR 88-67

CERTIFICATE

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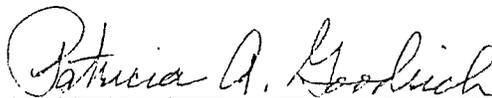
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia G. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to smoke detection systems in shelter care facilities and group homes for children were duly approved and adopted by this Department on September 14, 1988.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 14th day of September, 1988.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

11-1-88

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

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To repeal and recreate HSS 57.07(20)(d) and 59.06(19)(d), relating to fire protection at group homes for children and shelter care facilities for children.

ANALYSIS PREPARED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES

The Department is responsible under s. 48.67(1), Stats., for licensing group homes for children and shelter care facilities for children on the basis of rules designed to protect and promote the health, safety and welfare of the children placed in those homes.

By memo of April 9, 1987, the Department notified operators of group homes for children and shelter care facilities for children that "smoke detection system" as used in the Department's rules for those homes should be understood to mean an electrically interconnected system of smoke detectors or a radio-transmitting smoke detection system. The notification to operators was prompted by inquiries from Department regional staff and operators about the meaning of "smoke detection system," technological changes in the fire safety industry, the Legislature's response to fires at similar facilities for adults when it passed 1983 Wisconsin Act 363 which required either a sprinkler system or an interconnected or radio-transmitting smoke detection system in each of those facilities, and an advisory from a fire safety expert of the Department of Industry, Labor and Human Relations (DILHR) that in regard to a smoke detection system what is needed is a warning signal throughout the facility which can be achieved by a system of interconnected smoke detectors.

The Department decided early in 1988 in response to inquiries from the Legislature's Joint Committee for Review of Administrative Rules (JCRAR) that this official interpretation of what "smoke detection system" means as used in rules for group homes and shelter care facilities should be stated explicitly in those rules. Consequently the Department on March 25, 1988, repealed and recreated HSS 57.07(20)(d) and 59.06(19)(d) by emergency rule-making order to do this. The proposed permanent rules included in the present order will replace the limited term emergency rules.

The rule changes require a facility to protect its residents by means of a sprinkler system or an interconnected or radio-transmitting system of smoke detectors. If the smoke detection system is the selected option, the smoke detectors must be interconnected by electric wire so that when one goes off they all go off or they must emit radio signals that sound an alarm that can be heard throughout the home, and must be installed as prescribed by the manufacturer and be located in places within the home that are specified in the rules.

The Department's authority to repeal and recreate ss. HSS 57.07(20)(d) and 59.06(19)(d) is found in s. 48.67(1), Stats. The rules interpret ss. 48.66 and 48.67 Stats.

SECTION 1. HSS 57.07(20)(d) is repealed and recreated to read:

HSS 57.07(20)(d) The group home shall have either a smoke detection system or a residential sprinkler system. The smoke detection system shall be an interconnected system of smoke detectors listed by Underwriter's Laboratory or a radio-transmitting smoke detection system which has a centrally mounted alarm horn or alarm horns which, when activated, can be heard throughout the facility. The smoke detection system shall be installed and regularly tested in accordance with the manufacturer's instructions, and a smoke detector shall be located at each of the following locations in the home:

1. At the head of every open stairway;
2. At the door leading to every enclosed stairway on each floor level;
3. In every corridor spaced not more than 30 feet apart nor more than 15 feet from any wall;
4. In each common use room, including every living room, dining room, lounge, family room and recreation room, but not in the kitchen;
5. In each sleeping room if smoking is allowed there; and
6. In staff quarters if smoking is allowed there.

SECTION 2. HSS 59.06(19)(d) is repealed and recreated to read:

HSS 59.06(19)(d) The shelter care facility shall have either a smoke detection system or a residential sprinkler system. The smoke detection system shall be an interconnected system of smoke detectors listed by Underwriter's Laboratory or a radio-transmitted smoke detection system which has a centrally mounted alarm horn or alarm horns which, when activated, can be heard throughout the facility. The smoke detection system shall be installed and regularly tested in accordance with the manufacturer's instructions, and a smoke detector shall be located at each of the following locations in the home:

1. At the head of every open stairway;
2. At the door leading to every enclosed stairway on each floor level;
3. In every corridor spaced not more than 30 feet apart nor more than 15 feet from any wall;
4. In each common use room, including every living room, dining room, lounge, family room and recreation room, but not in the kitchen;

5. In each sleeping room if smoking is allowed there; and
6. In staff quarters if smoking is allowed there.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

By:



Patricia A. Goodrich
Secretary

Dated: September 14, 1988

SEAL:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

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1 WEST WILSON STREET
P.O. BOX 7850
MADISON, WISCONSIN 53707

September 14, 1988

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Bureau

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 57.07(20) and 59.06(19), administrative rules relating to smoke detection systems in shelter care facilities and group homes for children.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Goodrich".

Patricia A. Goodrich
SECRETARY

Enclosure