

CR 89-52

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CERTIFICATE

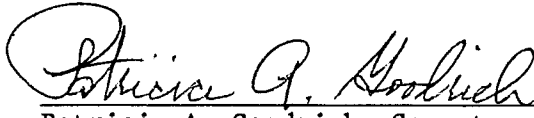
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. 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 the temporary licensure of institutions for mental diseases (IMDs) were duly approved and adopted by this Department on September 14, 1989.

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, 1989.

SEAL:

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

**ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING AND CREATING RULES**

To amend HSS 132.53(2)(c)2b and to create HSS 132.13(8m) and 132.14(1m), relating to temporary licensure of institutions for mental diseases (IMDs).

Analysis Prepared by the Department of Health and Social Services

Chapter HSS 132, Wis. Adm. Code, is amended to permit conversion of a nursing home or a part of a nursing home to be an institution for mental diseases (IMD) and to temporarily license IMDs under ch. HSS 132. An institution for mental diseases is a facility that is primarily engaged in providing diagnosis, treatment or care to persons with mental diseases, including providing them with medical attention, nursing care and related services. Persons with mental diseases have needs which differ significantly from the needs of elderly nursing home residents and should receive specialized programming necessary to achieve and maintain maximum levels of functioning and performance in all areas of life. Federal financial participation is not available to pay for the care of residents of IMDs or the care of persons with mental diseases. The temporary licensure of IMDs under ch. HSS 132, pending promulgation of IMD-specific rules under preparation in the Department, will assure continued State Medical Assistance funding of the cost of residential care of persons with mental diseases. These are permanent rules to replace emergency rules that went into effect on July 1, 1988.

The Department's authority to create these rules is found in s. 50.03(1m), Stats. The rules interpret ss. 49.45(6g)(d) and 50.03(1m), Stats.

SECTION 1. HSS 132.13(8m) is created to read:

HSS 132.13(8m) "IMD" or "institution for mental diseases" means a facility that meets the definition of an institution for mental diseases under 42 CFR 435.1009.

SECTION 2. HSS 132.14(1m) is created to read:

HSS 132.14(1m) LICENSURE AS AN INSTITUTION FOR MENTAL DISEASES.

(a) Requirements. The department may grant a facility a license to operate as an institution for mental diseases if the following conditions are met:

1. The conversion of all or some of the beds within the facility will result in a physically identifiable unit of the facility, which may be a ward, contiguous wards, a wing, a floor or a building, and which is separately staffed;
2. The IMD shall have a minimum of 16 beds;

3. The conversion of beds to or from an IMD shall not increase the total number of beds within the facility; and

4. The facility has submitted an application under subs. (2) and (3) to convert all or a portion of its beds to an IMD and the department has determined that the facility is in substantial compliance with this chapter. A facility may not submit an application for conversion of beds to or from an IMD more than 2 times a year.

(b) Exclusion. An existing facility applying to be licensed in whole or part as an IMD is not subject to prior review under ch. 150, Stats.

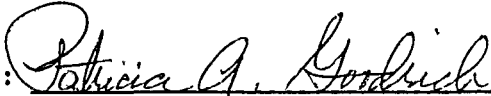
SECTION 3. HSS 132.53(2)(c)2b is amended to read:

HSS 132.53(2)(c)2b The funding of the resident's care in the nursing home under s. 49.45(6m), Stats., is reduced or terminated because either the resident requires a level or type of care which is not provided by the nursing home or the nursing home is found to be an institution for mental diseases as defined under 42 CFR 435.1009 s. HSS 132.18(8m).

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 &  
Social Services

Date: September 14, 1989

By:   
Patricia A. Goodrich  
Secretary

Seal:

7407/127  
4/12/89



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson  
Governor

Patricia A. Goodrich  
Secretary

Mailing Address:  
Post Office Box 7850  
Madison, WI 53707

September 14, 1989

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

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Bureau

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 132.13, 132.14 and 132.53, administrative rules relating to the temporary licensure of institutions for mental disease (IMDs).

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

These rules will not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114(1)(a), Stats. The rules affect 8 facilities, only one of which is a small business, and do not impose new requirements on the facilities that they did not have to meet when they were nursing homes.

Sincerely,

Patricia A. Goodrich  
SECRETARY

Enclosure