

1983 Assembly Bill 831

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1983 Wisconsin Act 363

AN ACT to create 20.435 (1) (g) and 50.035 of the statutes, relating to protecting community-based residential facilities against fire, training employes of these facilities in first aid and fire prevention and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (1) (g) of the statutes is created to read:

20.435 (1) (g) *Community-based residential facility personnel training.* All moneys received from the sale of instructional materials under s. 50.035 (1), to be used to pay the cost of producing the materials.

SECTION 2. 50.035 of the statutes is created to read:

50.035 Special provisions relating to regulation of community-based residential facilities.

(1) **PERSONNEL TRAINING.** Each employe of a community-based residential facility shall, within 90 days after the beginning date of employment, receive basic first aid training and other safety training. The department shall indicate acceptable sources from which facility employes may receive this training. The department shall also develop instructional materials for use by facilities concerning acceptable methods of operation and procedures for protecting and serving the needs of facility residents. The department may require that all facility employes complete a program involving these materials and may sell the materials to facilities at cost. In addition, each facility employe shall, within 90 days after the beginning date of employment, receive training in fire prevention and control and evacuation techniques. Each facility shall coordinate their training in fire prevention and control and evacuation techniques with the local fire department.

(2) **FIRE PROTECTION.** (a) 1. Except as provided in subd. 2, each community-based residential facility shall provide, at a minimum, a low-voltage interconnected smoke detection system to protect the entire facility that, if any detector is activated, either triggers alarms throughout the building or triggers an alarm located centrally.

2. A community-based residential facility that has 8 or less beds may use a radio-transmitting smoke detection system that triggers an audible alarm in a central area of the facility in lieu of the interconnected smoke detection system specified in subd. 1.

3. The department or the department of industry, labor and human relations may waive the requirement under subd. 1 or 2 for a community-based residential facility that has a smoke detection or sprinkler system in place that is at least as effective for fire protection as the type of system required under the relevant subdivision.

(b) No facility may install a smoke detection system that fails to receive the approval of the department or of the department of industry, labor and human relations. At least one smoke detector shall be located at each of the following locations:

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 and not further than 15 feet from any wall.
4. In each common use room, including living rooms, dining rooms, family rooms, lounges and recreation rooms but not including kitchens.
5. In each sleeping room in which smoking is allowed.

(c) A community-based residential facility does not have to meet the requirements under pars. (a) and (b) prior to the first day of the 12th month commencing after the effective date of this paragraph (1983). Beginning on the first day of the 12th month commencing after the effective date of this paragraph (1983), the department may waive the requirements under pars. (a) and (b) for a community-based residential facility for a period not to exceed 6 months if the department finds that compliance with those requirements would result in an extreme hardship for the facility.

(3) **MANAGER'S PRESENCE IN FACILITY.** (a) The person responsible for managing a Class C community-based residential facility, or that person's agent, shall be present in the facility at any time that residents are in the facility. The person responsible for managing a Class A or a Class B community-based residential facility, or that person's agent, shall be present in the facility from 7 p.m. to 7 a.m. when residents are in the facility and the person responsible for managing a Class B community-based residential facility, or that person's agent, shall be readily available to the residents of the facility from 7 a.m. to 7 p.m. In this subsection, "Class A, B and C community-based residential facilities" have the meanings provided in Wis. Adm. Code section HSS 3.41 (1).

(b) The department may waive a requirement under par. (a) for a community-based residential facility:

1. For a specified period of time, not to exceed one year, if the department finds that compliance with the requirement would result in an unreasonable hardship for the facility and that all of the residents are physically and mentally capable of taking independent action in an emergency; or
2. For a specified period of time if the department finds that the primary purpose of the facility's program is to promote the independent functioning of its residents with minimum supervision.

(4) **FIRE NOTICE.** The licensee of a community-based residential facility, or his or her designee, shall notify the department and any county agency that has residents placed in the facility of any fire that occurs in the facility for which the fire department is contacted. The notice shall be provided within 72 hours after such a fire occurs.

SECTION 3. Nonstatutory provisions; community-based residential facility personnel training. Personnel who are employed by any community-based residential facility on the effective date of this SECTION shall complete the training in first aid, fire prevention and control and evacuation techniques required under section 50.035 (1) of the statutes within 90 days of the effective date of this SECTION, not within 90 days after the beginning date of employment.
