

No. 381, S.]

[Published August 11, 1951.

**CHAPTER 715.**

AN ACT to repeal and recreate 146.30; and to create 20.43 (10) of the statutes, relating to nursing home licensing and accrediting act, and making an appropriation.

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

SECTION 1. 20.43 (10) of the statutes is created to read:

20.43 (10) NURSING HOMES. (a) On July 1, 1951, \$29,500, and annually, beginning July 1, 1952, \$27,140 for administering the provisions of section 146.30. Of this appropriation, there is allowed for the following purposes:

	1951-1952	1952-1953
Personal services .....	\$18,420	\$19,140
Materials and expense.....	7,500	7,500
Capital outlay .....	3,580	500

SECTION 2. 146.30 of the statutes is repealed and recreated to read:

146.30 LICENSING, REGULATION AND ACCREDITATION OF NURSING HOMES. (1) DEFINITIONS. As used in this section, unless a different meaning appears from the context:

(a) "Nursing home" means any building, structure, institution, agency or other place, whether proprietary, nongovernmental or governmental, for the reception and care or treatment not less than 72 hours in any week of 3 or more unrelated individuals hereinafter designated patients, who by reason of aging, illness, blindness, disease or physical or mental infirmity desire any such service, and for which reception and care or treatment a charge is made; provided that the reception and care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousin, shall not constitute the premises a nursing home. The term "nursing home" shall include, but not in limitation thereof, boarding and convalescent homes for the aged, infirm or chronically ill as they may fall within the foregoing definition. The term "nursing home" shall not include institutions operated by the federal government or county institutions subject to the supervision of the state department of public welfare under sections 46.16 (1) and 46.17 (1), offices of practitioners treating the sick, nor to child care centers, day nurseries, maternity homes, nursery schools, foster homes, child placing or child welfare agencies as defined under the laws of this state; nor shall such term include hotels, general hospitals, institutions for the treatment and care of psychiatric and tuberculosis patients, and child care institutions; provided, that any hotel or institution or part there-

of, which comes within the above definition of nursing home shall be so regarded as to the part so operated.

(b) "General hospital" means an institution providing community service for in-patient medical and surgical care of the sick or injured, including obstetrics in which not more than 50 per cent of the total patient days during the year are customarily assignable to the following categories of cases: chronic, convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis.

(c) "Patient" means individuals cared for or treated in any nursing home, irrespective of how admitted.

(d) "Person" means any individual, firm, partnership, corporation, company or association and the legal successor thereof.

(e) "Board" means the state board of health as that term is defined in 140.01.

(f) "Rule" has the meaning ascribed in section 227.01 (2).

(2) STANDARDS. The board shall have the power to develop, establish and enforce standards (a) for the care, treatment, health, safety, welfare and comfort of patients in nursing homes and (b) for the construction, general hygiene, maintenance, and operation of nursing homes, which, in the light of advancing knowledge, will promote safe and adequate accommodation, care and treatment of such patients in nursing homes; and to promulgate and enforce rules consistent with the provisions of this section.

(3) ADMINISTRATION. The administration of this section shall be under the board which shall make or cause to be made such inspections and investigations as it deems necessary.

(4) LICENSING, INSPECTION AND REGULATION. The board is empowered to register, license, inspect and regulate nursing homes as provided in this section, but no such license shall be in effect before June 30, 1952, and no such license shall be required before such date.

(5) APPLICATION FOR REGISTRATION AND LICENSE. (a) Registration shall be in writing in such form and contain such information as the board requires.

(b) The application for a license shall be in writing upon forms provided by the board and shall contain such information as it requires.

(6) ISSUANCE OF LICENSE; INSPECTION AND INVESTIGATION; ANNUAL RENEWAL; NON-TRANSFERABLE; CONTENT. (a) The board shall issue a license if the applicant is fit and qualified, and if nursing home facilities meet the requirements established by this section. The board, or its designated representatives, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and file written reports. The board may designate and use full time city or county health departments as its agents in making such inspections and investigations, including such subsequent inspections and investigations as are deemed necessary or advisable; but provided that when such designation is made and such services are furnished, the board shall reimburse the city or county furnishing such service at the rate of \$25 per year per license issued in such municipality.

(b) A license, unless sooner suspended or revoked, shall be renewable annually on July 1, upon filing by the licensee, and approval by the board of an annual report and application for renewal on forms provided by the board.

(c) Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. It shall be posted in a conspicuous place in the nursing home. If application for renewal is not so filed, such license is automatically canceled as of the date of its expiration. Any license granted shall state the maximum bed capacity for which granted, the person or persons to whom granted, the date, the expiration date and such additional information and special limitations as the board, by rule, may prescribe.

(7) DENIAL, SUSPENSION OR REVOCATION OF LICENSE; NOTICE. The board after notice to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements of this section and the rules established hereunder.

(8) ADVISORY COMMITTEE. (a) The board shall appoint an advisory committee to advise and consult in the establishment and review of minimum standards and rules and regulations for carrying out this section. The committee shall consist of the state health officer and the director of the department of public welfare, or their designated representatives, and 7 additional members, residents of the state, and shall include persons of recognized ability in the fields of hospital administration, nursing home operation, medicine, nursing, social services, and persons with broad civic interests representing the general public.

(b) Of the 7 appointed members, 3 shall be appointed initially for terms of one year, 2 for 2 years and 2 for 3 years, and their successors shall be appointed for terms of 3 years each, except when appointed to complete an unexpired term. Members whose terms expire shall hold office until the appointment and qualification of their successors. The state health officer, or his representative, shall serve as chairman or secretary of the committee, as the members may choose, and all other officers shall be elected annually.

(c) Committee members, with the exception of the state health officer and the director of the department of public welfare, or their designated representatives, while serving on business of the committee, shall receive compensation at the rate of \$10 per day, plus actual and necessary travel and subsistence expenses while so serving away from their places of residence.

(d) The committee shall meet as frequently as the board deems necessary, but not less than once each year. Upon request by 4 or more members it shall be the duty of the chairman to call a meeting of the committee.

(9) FAILURE TO REGISTER OR OPERATING WITHOUT LICENSE; PENALTY. It shall be unlawful for any person, acting jointly or severally with any other person, to conduct, maintain, operate, or permit to be maintained or operated, or to participate in the conducting, maintenance or operating of a nursing home, unless within 60 days after the effective date hereof it is registered with the board, or unless after June 30, 1952, it is licensed as a nursing home by the board. Any person who shall violate this section shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense, and each day of continuing violation after the first conviction shall be considered a separate offense.

(10) RIGHT OF INJUNCTION. Notwithstanding the existence or pursuit of any other remedy, the board may, in the manner provided by law, upon the advice of the attorney-general, who shall represent the board in all proceedings, maintain an action in the name of the state for injunction or other process against any person or agency to restrain or prevent the establishment, conduct, management or operation of a nursing home without a license or without being registered.

(11) PROVISIONAL LICENSES. A provisional license if approved by the board may be issued to any nursing home, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under the provisions of this section. A provisional license may not be issued for more than one year; no provisional license shall be in effect prior to June 30, 1952.

(12) ACCREDITED NURSING HOMES. Nursing homes operating at a standard above the minimum required for licensing as contemplated under this section may be determined by the board to be "Accredited Nursing Homes", and their names listed in a book maintained for that purpose by the board.

(12m) Nothing in this section shall be so construed as to give authority to supervise or regulate or control the remedial care or treatment of individual patients who are adherents of any well recognized church or religious denomination which subscribes to the act of healing by prayer and the principles of which are opposed to medical treatment and who are resident in any home or institution operated by a member or members, or by an association or corporation composed of members of such well recognized church or religious denomination; provided, that such home or institution admits only adherents of such church or denomination and is so designated; nor shall the existence of any of the above conditions alone militate against the licensing of such a home or institution; and provided, further, that such home or institution shall comply with all rules and regulations relating to sanitation and safety of the premises and be subject to inspection thereof. Nothing herein contained shall modify or repeal any laws, rules and regulations governing the control of communicable diseases.

(13) "NURSING HOME LICENSING AND ACCREDITING ACT". This section shall be known and may be cited as the "Nursing Home Licensing and Accrediting Act".

Approved July 27, 1951.