

05hr_AC-CF_CRule_04-067_pt01



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

May 12, 2005

EXECUTIVE SESSION HELD

Present: (7) Representatives Kestell, Vos, Albers,
Jeskewitz, Vukmir, Sinicki and Seidel.
Absent: (1) Representative Grigsby.

Moved by Representative Vos, seconded by Representative
Jeskewitz that **Clearinghouse Rule 04-067** be recommended for
modifications requested.

Ayes: (7) Representatives Kestell, Vos, Albers,
Jeskewitz, Vukmir, Sinicki and Seidel.
Noes: (0) None.
Absent: (1) Representative Grigsby.

MODIFICATIONS REQUESTED RECOMMENDED, Ayes 7,
Noes 0

July 5, 2005

MODIFICATIONS RECEIVED

Modifications received from the Department of Health and Family
Services.

July 18, 2005

MODIFICATIONS RECEIVED

Modification received from the Department of Health and Family
Services.

August 1, 2005

No action taken.

David Matzen
Committee Clerk

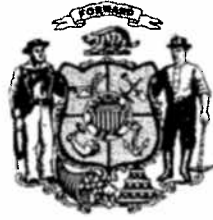
May 12, 2005

MOTION

MOVED, that the Assembly Committee on Children and Families requests the Department of Health and Family Services to consider modifications to Clearinghouse Rule 04-067, relating to group foster homes for children, including the following:

- Create exceptions, where appropriate, for group homes that provide transitional or temporary shelter for youth, such as runaway homes and homes serving homeless youth.
- Establish a time limit for department approval of requests for exceptions to rule provisions under s. HFS 57.02 and specify the consequences if the time limit is not met.
- Set forth the criteria that will be considered by the department when determining whether to grant an exception to the requirements for staff-to-resident ratios under s. HFS 57.21.

If the Department of Health and Family Services does not agree to consider modifications to Clearinghouse Rule 04-067, in a letter addressed to the chair of the Assembly Committee on Children and Families, or fails to respond in writing to this request for modification, by 5:00 p.m., May 13, 2005, the Assembly Committee on Children and Families objects to Clearinghouse Rule 04-067 pursuant to s. 227.19 (4) (d) 6., Stats., on the grounds that the proposed rule is arbitrary and capricious, and imposes an undue hardship.



STATE REPRESENTATIVE
STEVE KESTELL
27TH ASSEMBLY DISTRICT

TO: Members of the Children and Families Committee

| | |
|--------------------------|------------------------|
| Representative Vos | Representative Sinicki |
| Representative Albers | Representative Grigsby |
| Representative Jeskewitz | Representative Seidel |
| Representative Vukmir | |

FROM: Representative Steve Kestell, Chair

DATE: April 5, 2005

RE: Clearinghouse Rule 04-067

On April 4, 2005 the following clearinghouse rule was submitted by the Department of Health and Family Services and was referred to the Assembly Children and Families Committee:

Clearinghouse Rule 04-067, the repeal and recreation of chapter HFS 57 licensing rules relating to group foster homes for children. The proposed rules would affect applicants for licensure and the 120 group homes currently licensed by the Department. Licensure requirements and standards for operating a group home have not undergone any significant revision since its original promulgation in 1976. The complex treatment-related needs and level of services required by children and youth currently being placed in group foster homes necessitates a revision of the licensing standards.

The deadline for committee action on this rule is **May 4, 2005**. If you are interested in obtaining a hard copy of the rule or requesting a hearing, please do so prior to the deadline date. This rule can also be accessed online in FOLIO under the "Clearinghouse Rules" InfoBase.

A handwritten signature in cursive script that reads "Steve Kestell".

Steve Kestell
Chair, Assembly Committee on Children and Families





April 11, 2005

WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

Rep. Steve Kestell
Chairman, Assembly Committee on Children and Families
Room 17 West, State Capitol
Madison WI 53708

Re. Clearinghouse Rule 04-067

Dear Rep. Kestell,

I would like to urge you to hold a committee hearing to review and discuss Clearinghouse Rule 04-067, regarding the repeal and recreation of HFS 67. Given the large impact this could have on some of our group foster homes, I believe this rule deserves our careful scrutiny.

Following are some of the questions and concerns I have after reviewing the rule.

1. The agency argues that “service needs of children in foster care have changed since 1976” and that “level of services necessitates revision.” The analysis states “120 group foster homes” are impacted by the proposed rule changes. The summary [page two] states “the standards so established be applied by the state to *any* foster family home or child care institution receiving funds.....” Thus, it is not clear to me whether all foster homes are subject to the rules, or whether the proposed rule changes are applicable to all foster care settings, both family-residence settings and institutional settings. Additionally, it is not clear whether the term “staff” is intended to apply to babysitters, parents, or other family members. I would appreciate it if the department would provide a list containing a location of each affected home, as well as the number of occupants at each facility that will be subject to these proposed rules. I would also like an indication as to whether each is a family-residence setting as opposed to a business/institutional setting.
2. How many existing foster care facilities lack an “electrically interconnected fire alarm system,” required under the proposed rule; and what is the typical cost of purchasing and installing such a system.
3. In the last five years, how many children and staff (as defined by rule) have died or been injured due to fire in a group foster home? Have any foster homes lost their license or been closed down as a result of fire or failed fire safety inspections in the last five years?

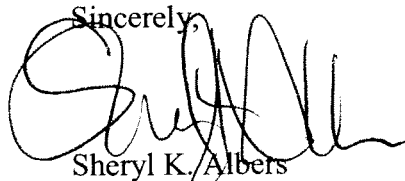
4. Heating/cooling/ventilation language appears to be contradictory. Under (4)(a) a heating system is required, (4)(b) however, seems to require air conditioning as well, or that each room must have ventilation (i.e. a room air conditioner, a window or fan). How many families have their furnace inspected every year – regardless of whether it is one year old or twenty years old? I would appreciate it if the department would explain its intent.
5. HFS 57.41 (6) indicates that “The indoor and outdoor premises shall be free of hazards.” “Hazard” however, is not defined. What is the intended interpretation of the department regarding hazards? Are toys laying about a room a hazard?
6. The language of HFS 57.41 (9) seems open to subjective interpretation. What is adequate lighting? Is the department referring to a required brightness, or that lights must be on at certain times of day, or both?
7. On page 3 in the plain language analysis, it is unclear as to whether the department considers the annual fire safety inspection to be a “serious incident.” If it does, I would question why routine inspection falls under that category.
8. Dental treatment is not readily available in some areas under Badgercare or MA. Additional financial assistance and subsidies are not available to those who must drive 40 or more miles to obtain care within the required timeframe and foster care families needing to meet the requirements of the proposed rule are not afforded any priority ranking on waiting lists. I want to make certain that any proposed rule isn’t setting up some rural group foster homes for failure.
9. Is it intended to preclude any family member that has been cited for violation of an operating privilege, from transporting other family members if they reside in the group foster home? What is the intent?
10. While it makes some sense to require institutions to maintain records subsequent to discharge, what is the department’s intent in making homes keep a record of the menu for 30 days after the meal has been served? [HFS 67.31(3)] What a child eats is far more important than the menu served. I believe it would make more sense to require that food receipts be kept for review if the department insists on knowing what is being purchased. Or is this the department’s attempt to ensure that the nutritional requirements outlined in Appendix B are followed? If so, why 30 days? Why not 15 days or a year, for that matter?
11. As to the outright prohibition on guns [HFS 67.10]: Is it the department’s intent to preclude sportsmen/women and many former members of the military from serving as foster parents to children in need of foster care? Because, that appears to be the case. Applicability to institutions would be acceptable; however, I believe this rule goes too far in applying to residential settings. If these rules are applicable to all group foster care providers, then why not apply the same to all kinship care providers?

12. Would it be acceptable to the department to establish different rules in certain areas for group foster homes in which the primary residence of those running the home is attached to the foster home, or is the foster home?

I believe a public hearing on this bill would not only afford the department an opportunity to clarify many of the above points, but also give operators of group foster homes an additional opportunity to share their thoughts and potential concerns as to the workability and necessity of some of these changes.

Thank you for your consideration of this request. If you have any questions, I would be happy to speak with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheryl K. Albers', written in a cursive style.

Sheryl K. Albers
State Representative
50th Assembly District



Matzen, David

From: Hermes, Ron
Sent: Tuesday, May 03, 2005 2:57 PM
To: Matzen, David
Subject: Re: Questions from committee members on CR 04-067

Thanks Dave. I will forward this on to the appropriate program staff.
By when do you need a reply?

>>> "Matzen, David" <David.Matzen@legis.state.wi.us> 05/03/05 02:23PM

>>>

DATE: May 3, 2005

TO: Department of Health and Family Services

FROM: Assembly Children and Families Committee

RE: Questions on Clearinghouse Rule 04-067, Group Foster Homes
for
Children

1. Representative Vos wanted to review copies of incident reports relating to overnight supervision.
2. Representative Grigsby would like to know where the group foster homes are located in the state, and the percentage that are located in Milwaukee County.
3. Committee members would like clarification in the rule regarding what factors or alternatives DHFS would consider when determining whether to grant an exception to this provision relating to runaway and homeless youth group homes. Representative Albers asked if they should be dealt with separately.
4. Representative Kestell asked who was appointed to the advisory committee and how was the appointment process set up.
5. Representative Albers wanted a list of those homes that have been fined for various reasons, what were the fines, and what is the set process that leads to warnings and/or forfeitures.
6. Representative Vos asked if there could be a set timeframe for the Department to respond to an exemption request for runaway and homeless youth homes.
7. Representative Vukmir requested a copy of the guidelines for preparing treatment plans for residents of group homes serving pregnant and parenting girls and young women.
8. Representative Albers requested information on the number of non-work hour inspections and general information on why an inspection is conducted during evening or night hours.
9. Representative Seidel asked for the rationale of not including specific exceptions for runaway and homeless youth homes in the rule.

Matzen, David

From: Kestell, Steve
Sent: Thursday, May 05, 2005 5:47 AM
To: Rep.Grigsby
Cc: Matzen, David
Subject: RE: Children and Families Committee Memo/Executive Session

Thank you, these will be added to the list.

Steve

From: Rep.Grigsby
Sent: Wednesday, May 04, 2005 4:35 PM
To: Rep.Kestell
Subject: RE: Children and Families Committee Memo/Executive Session

Here are some additional questions from Rep. Grigsby. Thanks.

Cindy McGinnis
Office of State Representative Tamara Grigsby
122 North State Capitol
P.O. Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

What circumstances would warrant an exception to the paid staff to resident ratio rule and would an experienced volunteer suffice?

Where are the 25% of agencies that would fall out of compliance as a result of this new rule?

How will you address the resulting disincentive to take less than 6 kids to avoid the new staff/resident ratio requirements?

How many homes are impacted by the new program director educational requirements?

Will substantial experience qualify as an exception to those educational requirements?

State law requires runaway youth homes to be licensed as group foster homes. Is this a problem as it relates to these rules?

From: Rep.Kestell
Sent: Tuesday, May 03, 2005 4:46 PM
To: Sappenfield, Anne; Karius, Bob; McGinnis, Cindy; Cady, Dean; Handrick, Diane; Hale, Janine; George, Mary Beth; Verette, Natalie; Rep.Albers; 'Rep.Grigsby'; Rep.Jeskewitz; Rep.Kestell; Rep.Seidel; Rep.Sinicki; Rep.Vos; Rep.Vukmir; Gruber, Ryan
Subject: Children and Families Committee Memo/Executive Session
Importance: High

DATE: May 3, 2005

TO: Assembly Children and Families Committee Members

FROM: Representative Kestell

RE: Executive session on May 12, 2005 and questions related to Clearinghouse Rule 04-067

I am working on scheduling an executive session for next Thursday, May 12th to cover Clearinghouse Rule 04-067, AB 54, AB 262, and AB 308. I hope to get the notice out tomorrow morning. I have submitted the list of questions (included below) on CR 04-067 to DHFS; if members have additional questions, please send them to Dave in my office as soon as possible. For your information, the Committee's jurisdiction on the Rule ends Friday, May 13th. I am aware that Representatives Vos, Jeskewitz, and Grigsby cannot attend next Thursday. Please call Dave if you have any additional questions. Thank you, Steve Kestell.

Questions from 4-28-05 on CR 04-067:

1. Representative Vos wanted to review copies of incident reports relating to overnight supervision.
2. Representative Grigsby would like to know where the group foster homes are located in the state, and the percentage that are located in Milwaukee County.
3. Committee members would like clarification in the rule regarding what factors or alternatives DHFS would consider when determining whether to grant an exception to this provision relating to runaway and homeless youth group homes. Representative Albers asked if they should be dealt with separately.
4. Representative Kestell asked who was appointed to the advisory committee and how was the appointment process set up.
5. Representative Albers wanted a list of those homes that have been fined for various reasons, what were the fines, and what is the set process that leads to warnings and/or forfeitures.
6. Representative Vos asked if there could be a set timeframe for the Department to respond to an exemption request for runaway and homeless youth homes.
7. Representative Vukmir requested a copy of the guidelines for preparing treatment plans for residents of group homes serving pregnant and parenting girls and young women.
8. Representative Albers requested information on the number of non-work hour inspections and general information on why an inspection is conducted during evening or night hours.
9. Representative Seidel asked for the rationale of not including specific exceptions for runaway and homeless youth homes in the rule.





STATE REPRESENTATIVE
STEVE KESTELL

27TH ASSEMBLY DISTRICT

May 12, 2005

Secretary Helene Nelson
Department of Health and Family Services
1 West Wilson Street
Madison, WI 53702

Dear Secretary Nelson,

As Chairman of the Assembly Committee on Children and Families, I am writing on behalf of the Committee to report our action on Clearinghouse Rule 04-067, group foster homes for children.

In an executive session held on May 12, 2005, the Committee voted to recommend modifications to the Rule by a vote of 7-0-1. The requested modifications are as follows:

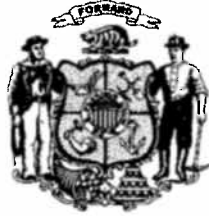
1. Create exceptions, where appropriate, or separate requirements, for group homes that provide transitional or temporary shelter for youth, such as runaway homes and homes serving homeless youth.
2. Establish a time limit for department approval of requests for exceptions to rule provisions under s. HFS 57.02 and specify the consequences if the time limit is not met.
3. Set forth the criteria that will be considered by the department when determining whether to grant an exception to the requirements for staff-to-resident ratios and overnight supervision under s. HFS 57.21 and examples of alternatives to these requirements that may be appropriate.
4. Create an exemption to s. HFS 57.40 (6) (a) 2 for co-ed facilities with only one bathroom on the effective date of the rule.
5. Modify the requirement under s. 57.42 (2) (b) to require evacuation on drills that prepare staff and residents for emergencies at various times of day and night.

If the Department of Health and Family Services does not agree to consider modifications to Clearinghouse Rule 04-067 in a letter addressed to the Chair of the Assembly Committee on Children and Families, or fails to respond in writing to this request for modification by 5:00 pm on May 13, 2005, the Assembly Committee on Children and Families objects to Clearinghouse Rule 04-067 pursuant to s. 227.19 (4) (d) 6., Stats., on the grounds that the proposed rule is arbitrary and capricious, and imposes an undue hardship.

Respectfully,

Steve Kestell
Chair, Assembly Children and Families Committee
27th Assembly District





STATE REPRESENTATIVE
STEVE KESTELL
27TH ASSEMBLY DISTRICT

MEMO

TO: **Assembly Committee on Children and Families Members**
Representative Vos Representative Sinicki
Representative Albers Representative Grigsby
Representative Jeskewitz Representative Seidel
Representative Vukmir

FROM: State Representative Steve Kestell

DATE: July 5, 2005

RE: Modifications to CR 04-067, group foster homes for children

As Chairman of the Assembly Committee on Children and Families, I am writing to provide members of the Committee with an update on Clearinghouse Rule 04-067, group foster homes for children. As of today, the Department of Health and Family Services has submitted their modifications to the Committee for review. The review period for the proposed modifications begins the 10th working day following the receipt of the modifications. **The Committee's review period begins on July 6th and ends on July 19th. If the Committee does not meet, or takes no action, the Department may move forward with the rule.**

The Committee has until July 19th to complete one of the following actions:

1. Take no action, which has the effect of ending the committee review period and allows the Department to move forward with the rule.
2. Hold an executive session and vote to recommend further modifications.
3. Hold an executive session and vote to object to the rule in whole or in part.

After meeting with the Department to discuss these modifications, I believe the Department has made a good-faith effort to answer questions and modify the rule as

members have suggested. Through this entire process, it has been beneficial to know that the majority of group home licensees have a good working relationship with the Department. This rule, as modified, is an improvement over the original and I commend Committee members and the Department for working together to better serve the interests of our group homes and the children they serve.

As you will recall, in an executive session held on May 12, 2005, the Committee voted to recommend modifications to the rule by a vote of 7-0-1. The requested modifications were as follows:

1. Create exceptions, where appropriate, or separate requirements, for group homes that provide transitional or temporary shelter for youth, such as runaway homes and homes serving homeless youth.
2. Establish a time limit for department approval of requests for exceptions to rule provisions under s. HFS 57.02 and specify the consequences if the time limit is not met.
3. Set forth the criteria that will be considered by the department when determining whether to grant an exception to the requirements for staff-to-resident ratios and overnight supervision under s. HFS 57.21 and examples of alternatives to these requirements that may be appropriate.
4. Create an exemption to s. HFS 57.40 (6) (a) 2 for co-ed facilities with only one bathroom on the effective date of the rule.
5. Modify the requirement under s. 57.42 (2) (b) to require evacuation on drills that prepare staff and residents for emergencies at various times of day and night.

Please carefully review the response from the Department and note that the 10-working day review period ends on July 19th, 2005.

****If you would like to request that the Committee hold an executive session, please note that the executive session would have to take place by July 19th.****

Please feel free to contact my office if you have any additional questions or concerns regarding CR 04-067.

Sincerely,

Steve Kestell
State Representative
27th Assembly District



Matzen, David

From: Matzen, David
Sent: Tuesday, July 19, 2005 10:19 AM
To: Sappenfield, Anne; Mcginnis, Cindy; Cady, Dean; Handrick, Diane; Hale, Janine; George, Mary Beth; Verette, Natalie; Rep.Albers; 'Rep.Grigsby'; Rep.Jeskewitz; Rep.Seidel; Rep.Sinicki; Rep.Vos; Rep.Vukmir; Carver, Anthony
Cc: Inabnet, Kay
Subject: FW: modification to CR 04-067
Attachments: volunteer training modification letter 7-18-05.pdf



volunteer training
modificatio...

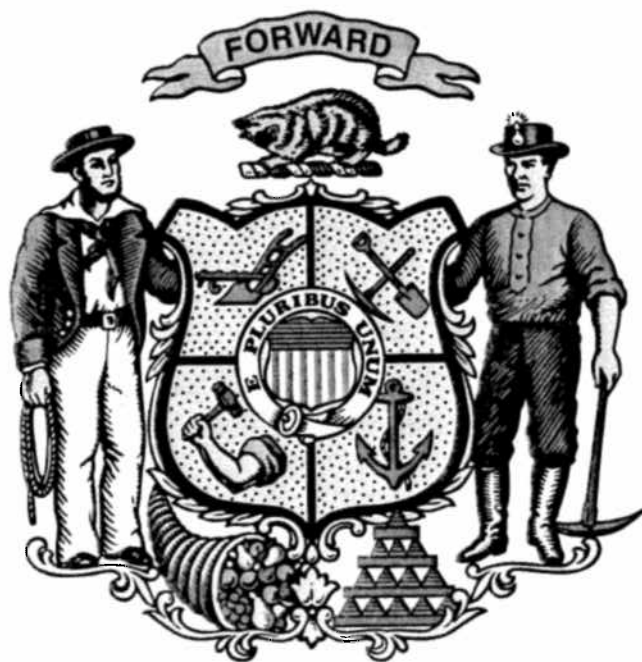
Hello Everyone-

As you are aware, the 10 working-day review period for the modifications to CR 04-067, group foster homes for children ends today. However, as of yesterday, the Department submitted a final germane modification clarifying the training of volunteers that are not used to meet staff to child ratios. The committee review period is now extended another 10 working-days until August 1, 2005. Please let me know if you have any questions regarding this clarification.

Thank you for your work to improve CR 04-067 to better serve the children in group foster homes.

Dave Matzen

Committee Clerk
Children and Families Committee
Rep. Steve Kestell-Chair
266-8530





State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

Department of Health and Family Services Testimony on CR 04-067

Before the Assembly Committee on Children and Families

April 28, 2005

Good morning Chariman Kestell and members of the Committee. My name is Ron Hermes and I am the legislative liaison for the Department of Health and Family Services. With me today are Jill Chase, Director of the Bureau of Regulation and Licensing, Mary Morse – Child Welfare Program Specialist and Diane Bloecker – Regional Licensing Chief.

Thank you for the opportunity to address the Committee this morning regarding the Departments proposed revisions to the Group Foster Home rules. As you may know, the Bureau of Regulation and Licensing (BRL) is responsible for protecting the health, safety and welfare of children in out-of-home care. The Bureau is responsible for the regulation and licensing of nearly 6,000 child care and child welfare programs, which includes group foster homes (GFH) for children. Currently BRL monitors over 128 group foster homes, which have a capacity to serve 955 children.

Wisconsin.gov

In 2002, the Department began the process of modifying the Group Foster Home rules for the first time since their implementation in 1976. Bureau staff brought together an advisory group of individuals from the provider industry, the WI Association of Child and Youth Care Professionals and the WI Association of Family and Children's Agencies. The advisory group provided guidance to the Department throughout the rewrite process.

The Department reviewed relevant research and consulted neighboring states' licensing regulations when drafting changes to the existing rules. The Department also relied upon guidelines from the Child Welfare League of America and the National Performance Standards for Health and Safety in Out-of-Home Care Programs which is developed by the American Academy of Pediatrics and the American Health Association.

The Department held a public hearing on the rule on July 26, 2004. There were 31 individuals in attendance and the public hearing and the Department received a total of 219 comments. Each comment was deliberated resulting in additional revisions being made to the rule.



While the proposed rule has enhanced and updated most of the major sections of the rule, the following areas are new requirements in the group foster home rule:

- **HFS 57.15 (1) (a) Caregiver Background Checks-** Licensees must complete a caregiver background check on all employees. The Department has been requiring caregiver background checks since the law was implemented in 1998. This provision merely codifies the 1998 law.

- **HFS 57.13 (1)(a) Child Abuse and Neglect Reporting-** The licensee shall report any incident of suspected child abuse or neglect by an employee of the group home, volunteer of the group home or household member of the group home; including a report made to a law enforcement agency, a county department of social or human services, or a child welfare agency.
- **HFS 57.19 Admission Criteria-** This section of the rule identifies admission requirements for residents.
- **HFS 57.23 Treatment Planning and Assessment-** An assessment plan is required for all residents within 30 calendar days of admission. As a result of the assessment, a treatment plan must be developed and reviewed every 3 months.
- **HFS 57.35 Respite-** This rule has specific requirements for staff providing respite care and the group home must submit to the department a written program statement and policies which are specific to respite care.
- **HFS 57.36 Custodial Parents and Expectant Mothers -** This section includes specific requirements for medical care, child care, space (square footage), safe water supply, etc. for group homes that provide care for expectant mothers, their babies and custodial parents.
- **HFS 57.37 Care of Children Under 6 Years of Age or Younger-** This section provides additional requirements for children 6 years of age or younger regarding treatment plans, staff training, diapering, furnishings, bedding, water supply, nutrition, feeding, medical care and transportation.

- **HFS 57.13 Serious Incident Reporting-** This section describes what type of serious incidents need to be reported to the Department within 72 hours of occurrence (the department modified this requirement based on public comment opposing the original 48 hour reporting requirement).
- **HFS 57.24 Resident Rights-** All staff members and volunteers need to adhere to patient rights as identified in HFS 94 and s. 51.61, Stats.

The following changes to the rule have received some level of opposition from the group home provider industry:

- **HFS 57.14 (4)(a)** The rule revision requires increased educational requirements for staff: a Program Director must have a 4 year degree and 2 years of supervised child welfare work experience. The Program Director function can be provided by a sponsoring agency.
- **HFS 57.21 (1)** The rule revision requires awake overnight staff: 85% of group homes currently have awake overnight staff. The group home can request an exception to this rule by submitting to the Department an alternate means of assuring safety of residents during sleeping hours.
- **HFS 57.21 (1)** The rule revision requires increased staff to child ratios during waking hours (2 staff to 6 residents): 75% of homes currently operate with 2 staff already. (The department further modified this requirement after receiving public comments opposing the advisory committee's original requirement of 1 to 4 staff to resident ratio).



- **HFS 57.40(6)(a) 2** The rule revision requires 2 bathrooms for co-ed programs: only 4 co-ed programs out of 120 group homes will be impacted.
- **HFS 57.14 (2)** The revision requires staff to be at least 21 years of age: an exception may be granted for college students that are enrolled in an educational program with a related major and are 19-20 years of age.

The Department is deeply committed to implementing the highest standards of safety for children and staff in group foster homes. We believe the rules before you today meet this goal.

I want to thank you for this opportunity to provide testimony on the rule.





State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

May 13, 2005

Honorable Steve Kestell
Chair, Assembly Committee on Children and Families
17 West, State Capitol
Madison, WI 53702

Dear Chairman Kestell:

Per the Assembly Committee on Children and Families' request, the Department of Health and Family Services will consider the suggested modifications to CR 04-067, related to the regulation of Group Foster Homes.

I believe our goals with this rule are the same, to protect the health, safety and welfare of children in Group Foster Homes. It is my hope we will be able to resolve all outstanding issues in a cooperative and timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Helene Nelson".

Helene Nelson
Secretary

Thank you.



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

June 29, 2005

The Honorable Steve Kestell
Chairperson
Assembly Committee on Children and Families
Room 17 West, State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Representative Kestell:

The Department has considered and agrees to make modifications requested in your letter dated May 12, 2005 concerning Clearinghouse Rule 04-067, relating to HFS 57, group foster homes for children, with the exception of one request.

Modifications to the proposed rule were made to ss. HFS 57.19 (5); 57.21, 57.40 (6) (a) 2., and 57.42 (2) (b). The language as modified is attached.

The Department has determined that the request for changes to s. HFS 57.02 relating to exceptions to rules provisions is best addressed in its Group Foster Home Licensing Procedure manual (Manual). The Manual will be modified to require all completed exception requests be acted upon within 60 days of the receipt of completed exception requests.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Helene Nelson'.

Helene Nelson
Secretary

Attachment

Department of Health and Family Services Responses to the Assembly Committee of Children and Families Recommended Changes to the Clearinghouse Rule 04-067, group home rule HFS 57

1. Create exceptions, where appropriate, or separate requirements, for group homes that provide transitional or temporary shelter for youth, such as runaway homes and homes serving homeless youth.

The rule has been modified to read:

HFS 57.19 (5) (a) Except as provided in par. (b), there shall be no more than 4 years difference in the ages of the children admitted to the group home as residents.

(b) The age difference limitation stated in par. (a) does not apply to children admitted to a group home licensed for respite care or for homeless and runaway youth.

2. Establish a time limit for department approval of requests for exceptions to rule provisions under s. HFS 57.02 and specify the consequences if the time limit is not met.

The department will establish procedural language which states that all completed exception requests will be acted upon within 60 days of the receipt of the completed exception request. This requirement will be added to the Group Foster Home Licensing Procedure and will become effective immediately.

3. Set forth the criteria that will be considered by the department when determining whether to grant an exception to the requirements for staff-to-resident ratios and overnight supervision under s. HFS 57.21 and examples of alternatives to these requirements that may be appropriate.

The rule is modified to read:

HFS 57.21 Staff to resident ratios and supervision. (1) In a shift-staffed group home during hours other than sleep, there shall be at least one staff member on duty whenever 5 or fewer residents are present. At least 2 staff (or one staff and one qualified volunteer) shall be on duty if there are 6 or more residents present. Whenever residents are asleep, at least one resident care staff or relief help shall be awake unless an alternate means of assuring safety of residents is provided by the group home and approved by the department. The group home must assure that residents are responded to if needed. The number of resident care staff shall be increased as necessary to provide the care and services identified in the group home's program statement and plan of activities.

57.21 (4) Volunteers may be used to meet the staff to resident ratio requirement when six or more residents are in care provided they meet staff qualifications under s. HFS 57.14(4) (c).

Note: Some staffing alternatives for night time hours that may be approved by the department include but are not limited to: use of door alarms, motion detectors, laser or lights.

4. Create an exemption to s. HFS 57.40 (6) (a) 2 for co-ed facilities with only one bathroom on the effective date of the rule.

The rule is modified to read:

HFS 57.40 (6) (a) 2. A group home serving only males or only females shall have at least one full bathroom that contains a toilet, sink, and a tub or shower available for use by residents. A group home initially licensed on or after the effective date of this chapter (revisor to insert effective date), serving males and females shall have 2 full bathrooms that are gender specific, each containing a toilet, sink and a tub or shower, unless the department grants an exception under s. HFS 57.02.

5. Modify the requirement under s. 57.42 (2) (b) to require evacuation on drills that prepare staff and residents for emergencies at various times of day and night.

The rule is modified to read:

HFS 57.42 (2) (b) Evacuation drills shall be conducted with residents at least monthly and documented, including the date and time of the drill, the evacuation time and any problems encountered during the drill. An evacuation drill shall be conducted during sleeping hours, or which, simulates sleeping hours at least once every six months.



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

July 18, 2005

The Honorable Steve Kestell
Chairperson
Assembly Committee on Children and Families
Room 17 West, State Capitol
P.O. Box 8952
Madison, WI 53708

The Honorable Carol Roessler
Chairperson
Senate Committee on Health, Children, Families, Aging and Long Term Care
Room 8 South
State Capitol
P.O. Box 7882
Madison 53707-7882

Dear Representative Kestell and Senator Roessler:

The Department considers and agrees to the Assembly Committee on Children and Families request for additional modifications to proposed ch. HFS 57, group foster homes for children (Clearinghouse Rule 04-067). The language as modified is attached.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Helene Nelson'.

Helene Nelson
Secretary

Attachment

**Department of Health and Family Services Responses to the Assembly Committee
of Children and Families Recommended Changes to the Clearinghouse Rule 04-
067, group home rule HFS 57**

HFS 57.16(1)(d) Infant and toddler care. Before a staff member or volunteer may provide care and supervision for an infant or toddler as defined under s. HFS 57.37(2)(a) and (b), the staff member or volunteer used to meet staff to child ratios shall complete the training specified under s. HFS 57.37(4).

HFS 57.36(5)2. The staff member or volunteer used to meet staff to child ratios as defined in HFS 57.36(5)1. shall have completed the training requirements as set forth under s. HFS 57.37(4).