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(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)

Copy of rule  
part 2

Date ???

**PROPOSED ADMINISTRATIVE RULES - HFS 57  
ANALYSIS FOR LEGISLATIVE STANDING COMMITTEES  
PURSUANT TO S. 227.19 (3), STATS.**

**Basis and Purpose of Proposed Rules**

The basis of the Department's authority to revise ch. HFS 57 is found in sections 48.67 and 227.11 (2) (a), Stats.

**Response to Clearinghouse Recommendations**

The Department accepted all of the comments made by the Legislative Council's Rules Clearinghouse and modified the order where suggested.

**Effect on Small Businesses (Final Regulatory Flexibility Analysis)**

The proposed rules will affect applicants for licensure and the 120 group homes currently licensed by the Department. Section 48.625, Stats., allows individuals, profit and non-profit corporations, and privately owned licensed child welfare agencies to operate a group home so long as the person or entity is licensed by the Department. A majority of the licensed group homes are operated by private entities. The remaining number of group homes is operated by licensed county agencies.

The Department anticipates that there may be costs incurred by some group foster homes when these rules are implemented, but that the overall costs will not be significant.

The proposed rules establish increased educational requirements for staff. The costs associated with increasing the qualifications of group home staff are not anticipated to be significantly greater than the costs group homes are currently incurring.

The proposed rules establish staff to child ratios and require awake overnight staff. The increased requirements are needed due to increasingly challenging behaviors exhibited by children and youth admitted to group homes and the need to ensure resident and staff safety. Data collected by the Department related to group home serious incidents that require medical and/or police intervention support the need for increased staffing requirements. A survey of existing group homes shows that nearly 75% currently have two staff on duty during the first and second shifts and nearly 85% have awake overnight staff; providing evidence that licensees themselves recognize the need for close supervision and monitoring of residents. It should also be noted that many group homes (more than 50%) are not operating at capacity. Many are caring for five to six children rather than maintaining a capacity of eight. For group homes that will be required to hire additional staff; the cost is estimated to be about \$42,209 per year (based on an hourly wage comparable to a Resident Care Technician of \$10.309 x 2920 hours for an annual salary of \$30,102 x .4022 fringe benefits = a fringe rate of \$12,107 for a total annual cost of \$41,104 per employee).

The proposed rules establish physical plant requirements related to the required square footage for each resident. These changes are not anticipated to have a significant impact on existing group homes in that the increased square footage requirements will

only be necessary for new facilities. For new facilities, the cost will not be significant and will only be a one-time expense.

The proposed rules require that there be two bathrooms in co-ed facilities. A survey of existing group homes indicates that there are only 4 co-ed facilities that do not have two bathrooms. Therefore, this change is not anticipated to have a significant financial impact.

### **Changes to the Rulemaking Order Analysis or Fiscal Estimate**

#### **Analysis**

Typographical and grammatical changes were made to the rule's analysis to address Legislative Rules Clearinghouse comment 5a. In response to public comment requesting removal of the requirement that corporation operated group homes have \$25,000 to carry the group home through the first year of operation, the Department removed the requirement from the rule. The associated discussion of this requirement under the section titled "Anticipated costs incurred by private sector" was removed from the analysis. Also in response to public comment, the cost of additional staff, stated under the analysis section titled "Anticipated costs incurred by private sector", was recalculated. No other substantive changes were made.

#### **Fiscal Estimate**

No changes were made to the Fiscal Estimate.

### **Public Hearing and Comment Summary**

One public hearing was held on July 26, 2004, in Madison, Wisconsin. The hearing record remained open for comments until August 2, 2004. Staff in attendance were:

Jill Chase, Director, Bureau of Regulation and Licensing  
Sally Hanko Dees, Child Welfare Program Specialist, Bureau of Regulation and Licensing  
Julia Strong, Licensing Chief, NRO, Bureau of Regulation and Licensing  
Diane Bloecker, Licensing Chief, SRO, Bureau of Regulation and Licensing

#### **List of persons who attended the public hearing or who submitted comments**

The following is a complete list of the people who attended the public hearing or submitted written comments on the proposed repeal and recreation of HFS 57. Each person's name and affiliation is accompanied by an indication of the person's position on the proposed rules and whether or not the person testified, provided written comments, or observed the hearing.

Number of persons registered: 31

Number of comments received: 219 (includes comments from public hearing as well as those received in writing during public comment period)

Name and Address	Position	Action
1. Peter Rosenblatt UW-Milw. School of Cont. Ed.	Supports the rule.	Oral testimony and written comments.

161 W. Wisconsin Ave., #6000 Milwaukee, WI 53203		
2. Doug Sveda Willowglen Academy 3903 W. Lisbon Avenue Milwaukee, WI 53208	No position stated.	Observed.
3. Steven Matekel Matekel Family Group Home E2941 State Road 54 Hillpoint, WI 53937	Supports parts of the rule; opposes parts of the rule; requests clarification of parts of the rule.	Oral testimony and written comments.
4. David Wilz Choices to Change Group Home 1909 Mary's Drive Steven's Point, WI 54481	Supports parts of the rule; opposes parts of the rule.	Observed.
5. Jody Behn Choices to Change Group Home 3020 Washington Avenue Plover, WI 54467	Supports parts of the rule; opposes parts of the rule.	Oral testimony and written comments.
6. Dennis Behn Choices to Change Group Home 1608 Washington Avenue Plover, WI 54467	Supports parts of the rule; opposes parts of the rule.	Observed and written comments.
7. Lester Byron Wright Kenosha Human Dev. Services 5407 8 <sup>th</sup> Avenue Kenosha, WI 53140	Opposes the rule as written; requests clarification of parts of the rule.	Oral testimony and written comments.
8. Paul Toellner Lutheran Social Services 226 Charlton Street Beaver Dam, WI 53916	Opposes the rule as written; requests clarification of parts of the rule.	Oral testimony and written comments.
9. Robert Watters Crisis Prevention Institute 3315-K North 124 <sup>th</sup> Street Brookfield, WI 53005	Supports parts of the rule; opposes parts of the rule.	Written comments.
10. Jorge Arturo Acuna Crisis Prevention Institute 3315-K North 124 <sup>th</sup> Street Brookfield, WI 53005	No position stated.	Oral testimony and written comments.
11. Michelle Devoe Orion Group Home	Opposes the rule as written.	Observed.

1725 15 <sup>th</sup> Street, P.O. Box 706 Monroe, WI 53566		
12. Teri Davis Orion Family Services 6333 Odana Road Madison, WI 53719	Opposes the rule as written.	Oral testimony.
13. Thomas Anderson P.O. Box 374 Sparta, WI 54658	No position stated.	Oral testimony.
14. Kathy Brush P.O. Box 374 Sparta, WI 54656	No position stated.	Observed.
15. Dave Otten 721 Ontario Avenue Sheboygan, WI 53081	Opposes the rule as written.	Oral testimony.
16. Monica Zindler P.O. Box 10782 Green Bay, WI 54307	Opposes the rule as written.	Oral testimony and written comments.
17. Carey Mraz 2482 Garden Heights G. Green Bay, WI 54311	Opposes the rule as written.	Oral testimony.
18. Rachel Stuber 1324 Scheuring Road, #7 DePere, WI 54115	Opposes the rule as written.	Oral testimony.
19. Shellisa Sculliufo 840 N. Taylor Green Bay, WI 54311	Opposes the rule as written.	Oral testimony and written comments.
20. Ruth Splitgerber 1343 Starview Green Bay, WI 54311	Opposes the rule as written.	Oral testimony.
21. George Nestler 1102 Spaight Street Madison, WI 53703	Opposes the rule as written.	Observed and written comments.
22. Sandra Marrier 1409 Arrowood Drive Madison, WI 53704	Opposes the rule as written.	Observed.
23. Jim Gilson 4017 Claire Street Madison, WI 53716	Opposes the rule as written.	Observer and written comments.
24. John Molenaar Southeastern Youth & Fam. Sves. 8008 W. Capitol Milwaukee, WI 53222	Supports parts of the rule; opposes parts of the rule.	Oral testimony.
25. Sharon Riley 5038 N. 39 <sup>th</sup> Street Milwaukee, WI 53209	No position stated.	Observed.
26. Willie Hopgood Jr. Connecting Youth Group	No position stated.	Observed.

Home 5038 N. 39 <sup>th</sup> Street Milwaukee, WI 53209		
27. Saleem El-Amin New Horizon Center P.O. Box 18640 Milwaukee, WI 53218	No position stated.	Oral testimony.
28. Darrell Bell 3790 N. 12 <sup>th</sup> Street Milwaukee, WI 53218	No position stated.	Observed.
29. Marye Beth Dugan Nehemiah Project 2506 W. Vliet Street Milwaukee, WI 53205	No position stated.	Observed and written comments.
30. April Erby Ohana Group Home P.O. Box 514 Racine, WI 53401	No position stated.	Observed.
31. Anniekay Erby Ohana Group Home P.O. Box 514 Racine, WI 53401	No position stated.	Observed.
32. Scott Erby Ohana Group Home 1305 Bluff Avenue Racine, WI 53401	No position stated.	Observed.
33. Timothy Baack WI Assoc. for Homeless & Runaway Youth 2318 E. Dayton Street Madison, WI 53704	Supports parts of the rule; opposes parts of the rule.	Written comments.
34. Karl Pnazek CAP Services, Inc. 5499 Hwy 10 East, Suite A Stevens Point, WI 54481- 9116	Supports parts of the rule; opposes parts of rule.	Written comments.
35. Steven Dunn Sierra Group Home N3987 Hwy. 55 White Lake, WI 54491	Supports parts of the rule; opposes parts of the rule.	Written comments.
36. Clint Smith Silvercrest Group Home 1021 Green Acres Lane Neenah, WI 54956	Supports parts of the rule; Opposes parts of the rule.	Written comments.

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Summary of Public Hearing Testimony, Written Comments, and Department Responses

The numbers following the comment correspond to the names of the individuals who made or submitted the comment.

Rule Section	Comment	Department Response
<p><b>1. General</b></p>	<ul style="list-style-type: none"> <li>Suggests that BRL regulate the function of group homes, not dictate how to achieve it. Rules are too restrictive <b>(5)(6)(15)</b></li> <li>Disagrees with the fiscal estimate and impact on small business. Costs will increase. <b>(5)(6)(15)(23)</b></li> </ul>	<ul style="list-style-type: none"> <li>The Department's regulatory approach is outcome based and where necessary for consistency, the Department uses a prescriptive approach. Licensees maintain control and responsibility for group home operations through use of written procedures required by the rules. The overriding theme of the proposed rules is the protection of the health, safety and welfare of children residing in group homes.</li> <li>The costs for group homes that would be required to hire additional staff to comply with requirements related to staff to child ratios and awake overnight staff may have been underestimated by the Department. In re-calculating the estimate, the cost is estimated to be \$42,209 (\$10,309 x 2920 hours for an annual salary of \$30,102 x .4022 fringe benefits = a fringe rate of \$12,107 for a total annual cost of \$41,104 per employee). Requirements for staff to child ratios and awake staff overnight have been changed. The changes will lessen or eliminate the cost factor for many group homes. A survey of group homes shows that nearly 75% currently have 2 staff on duty during first and second</li> </ul>



	<ul style="list-style-type: none"> <li>Residential Care Centers and inpatient programs already have similar standards as the proposed group home rule (15)</li> </ul>	<p>shifts and nearly 85% have awake staff overnight, providing evidence that most licensees recognize the need for close supervision and monitoring residents. It should be noted that 50-60% of group homes do not currently operate at licensed capacity. Many are caring for 5 or 6 children rather than maintaining a capacity of 8.</p> <ul style="list-style-type: none"> <li>Residential care centers and inpatient programs, while providing services to children and youth, are dissimilar to group homes. Residential care centers are generally larger, highly intensive residential programs with standards requiring many more professional staff and services than group homes. Inpatient programs are hospital based, primarily short-term and psychiatric in nature. They are licensed under hospital rather than residential standards.</li> </ul>
<p><b>2. General</b></p>	<ul style="list-style-type: none"> <li>Increasing licensor monitoring visits to facilities would have more of an effect than changing licensing rules (15)</li> </ul>	<ul style="list-style-type: none"> <li>Chapter HFS 57 has not undergone any significant revision since its original promulgation in 1976. The service needs of children and youth have changed considerably since the original promulgation. 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 licensing standards. The proposed rules support the intent of s. 48.67, Stats., to protect the health, safety, and welfare of children.</li> </ul>

	<ul style="list-style-type: none"> <li>Licensors are inconsistent in applying rules (5)(6)</li> </ul>	<ul style="list-style-type: none"> <li>The subject of this comment is beyond the scope of this rulemaking. However, the Department shares the concerns of this commenter. Providers can present any concerns regarding licensors and the application of licensing rules to the Regional Licensing Chief or Supervisor and to the Bureau of Regulation and Licensing Bureau Director who will assist in resolving any issues or complaints.</li> </ul>
<p><b>2.</b></p> <p><b>General</b></p>	<p>Providers and counties were not informed of proposed rule changes (3) (23)</p>	<p>The Department assembled and consulted with an advisory council in developing the proposed rules. The advisory council included representatives from privately owned and operated group homes, corporation operated group homes, counties and professional organizations. All licensees were provided a copy of the draft rule with an invitation to submit comments via mail, phone, and e-mail. The draft rule was posted on the Department's Division of Children and Family Services web site with an e-mail address for provider comments. The Bureau of Regulation and Licensing specialists gathered feedback regarding the proposed rule from providers. The Wisconsin Association of Family and Children's Agencies (WAFCA) was informed of the proposed rule changes and members had the opportunity to provide feedback through WAFCA.</p>
<p><b>3.</b></p> <p><b>General</b></p>	<p>Counties will not be able to afford care if group homes raise their</p>	<p>Rates are negotiated between group homes and the counties that place children. It is not intended</p>

	<p>rates. How many family group homes will go out of business as a result of the new rule?(3)</p>	<p>for any group homes to go out of business as a result of the revised rules. Many currently licensed group homes will meet the revised standards without significant cost.</p>
<p><b>4.</b></p> <p><b>General</b></p>	<p>When will new rule go into effect? (3)</p>	<p>The new rule will go into effect after the entire promulgation process is complete. Providers will be informed of the effective date and the Department will provide training on the new rules to providers prior to implementation.</p>
<p><b>5.</b></p> <p><b>General</b></p>	<p>Disagrees with the premise that the needs of children placed in group homes have changed necessitating the revision of the licensing rules (19)(23)</p>	<p>No change. The licensing rules for group homes have not been revised since 1976. In the past, children placed into group homes had single treatment issues. Today, children are presenting multiple problems that are more complex and challenging. The Child Welfare League of America (CWLA), established in 1920, is nationally recognized as an organization that formulates standards of residential care for children based on current knowledge, the developmental needs of children and tested ways of meeting those needs most effectively. CWLA has documented that children and youth coming into group care today have more complex and perplexing problems than ever before. They more often represent a greater danger to themselves and to the community than in the past; and more often show violent behaviors, multiple diagnoses, severe learning disorders, and an increased frequency of alcohol and drug addiction. CWLA estimates that as many as 75% of families of children residing in group home care have members who are chemically dependent with poor parenting skills.</p>

6.	<b>General</b>	Many placed in group homes should be placed in residential care centers due to the intensity of their needs (27)	No change. All admissions to group homes must be assessed for appropriateness, including assessment of needs and the development of a treatment plan.
7.	<b>General</b>	<ul style="list-style-type: none"> <li>The "plain language analysis" of the rule is not in plain language requiring searching through the entire document to identify areas of rule change (34)</li> <li>The analysis of rules from other states is irrelevant. (23)</li> </ul>	<ul style="list-style-type: none"> <li>No change. The plain language analysis in the rule making order clearly identifies the areas of proposed revision. The commenter is referring to shelter care rules and this rulemaking effort is for group home care. Group foster care is residential care for 5-8 children licensed under ch. HFS 57. Shelter care is temporary care of 60 days or less for children pending court action and is licensed under ch. HFS 59. The commenter has requested retraction of comments.</li> <li>No change. Chapter 227.14(2)(a) 4., Stats., related requires an analysis of a proposed rule to include a comparison of similar rules in adjacent states.</li> </ul>
8.	<b>General</b>	Group homes should be called "group houses" . (27)	No change. Chapter 48.02(7), Stats., defines any facility operated for the care of 5 to 8 children and licensed per s. 48.625, Stats., as a "group home".
9.	<b>Exceptions to Rules</b> HFS 57.02	Asks for clarification of which rules can be granted an exception (3).	No change. The Department believes this issue is adequately addressed in the rule under s. HFS 57.02. Any rule where a group home proposes an alternative that meets the intent of the rule and does not jeopardize the health, safety and welfare of residents may be considered for an exception. Licensees may contact the Department at any time and ask for clarification of the exception process.
10.		Objects to the language related to	No change. The Department believes the

<p><b>Definitions, General Conditions for Approval of a License</b> HFS 57.04(15) HFS 57.48 Note</p>	<p>unsound judgement in the definition of "fit and qualified" (7)</p>	<p>definition is clear as written. Given that the exercise of judgement is situational, it would be impossible to specify what represents "sound judgement" in all cases.</p>
<p><b>11. Program and Policies</b> HFS 57.05(1)</p>	<p>The revision of policies and procedures will be too costly (16)</p>	<p>No change. The policies and procedures required by the rule, are not unreasonable, are designed to protect the health, safety and welfare of children in care, and are necessary in order for group home staff to know how to care for residents. The Department will assist licensees with the development of any new policies or will refer them to resources that can assist at little or no cost.</p>
<p><b>12. HFS 57.05(2)(a)</b></p>	<p>Disagrees with the requirement to have policies for levels of supervision of on-premise and off - premise activities since the criteria would vary with every activity and put undue burden on staff. (29)</p>	<p>No change. The licensee is responsible to define the level of supervision needed to ensure the safety of residents and staff in all situations, including on-premise and off-premise activities. The supervision criteria can vary based on the residents' needs and the location of activities.</p>
<p><b>14. HFS 57.05(2)(m)</b></p>	<ul style="list-style-type: none"> <li>• Children of residents should only be given visitation with adjudicated fathers rather than with non-custodial parents as stated in the rule (16)</li> <li>• Requirement related to visitation between a child of a</li> </ul>	<ul style="list-style-type: none"> <li>• No change. The rule language is based on statute s. 48.625(1m), Stats., that reads: "The department shall promulgate rules establishing standards for a group home described in this subsection. Those rules shall require. . . a policy governing visitation between. . . a child and the child's non-custodial parent".</li> <li>• No change. The rule does not preclude the group home from having a policy regarding</li> </ul>

	resident and the child's non-custodial parent is too vague and does not address visitation with extended family. (29)	visitation with family members other than the non-custodial parent.
<p><b>15. Emergency Planning</b> HFS 57.06(2)</p>	<p>Objects to phone numbers being listed for emergencies if "911" service is available (16)</p>	<p>Agreed. The Department agrees that a language clarification is necessary. The rule language has been changed to allow the posting of "911" to meet the intent of provision, assuming "911" provides all services indicated.</p>
<p><b>16.</b> HFS 57.06(3)</p>	<p>Need clarification regarding the cost of first aid kits for the group home and in vehicles. (7)</p>	<p>No change. The rule allows for the provision of a first aid kit or first aid supplies. The rule language has been modified to better define what supplies need to be on hand. Having first aid supplies available in the group home and in vehicles is a reasonable expectation related to safety. Cost is minimal and would be a one-time expense, other than replenishing supplies as they are used.</p>
<p><b>17.</b> HFS 57.06(4)</p>	<p>Suggests that emergency phone numbers only be required to be kept at group home, not in vehicles (7)</p>	<p>No change. Emergency phone numbers are a basic safety precaution to have in vehicles when transporting children. This requirement is reasonable with little or no additional cost.</p>
<p><b>18. Rates and Bookkeeping</b> HFS 57.07(1)(b)</p>	<p>Remove requirement of evidence of \$25,000 to cover initial operating expenses (16)</p>	<p>Agreed. The rule language has been deleted.</p>
<p><b>19. Insurance</b> HFS 57.08(1)(b)</p>	<p>Asks for clarification of insurance coverage for negligent acts by children resulting in bodily injury or property damage to 3<sup>rd</sup> parties. Is it available for corporation group homes and what is the cost? (7)(13)(16)</p>	<p>Agreed. The rule language as it relates to corporation or agency operated group homes has been changed consistent with this comment. Family group homes are required to have this coverage per s. 48.627(2)(b), Stats.</p>
<p><b>20. Weapons</b></p>	<p>The rule language regarding</p>	<p>Agreed. The rule language has been changed</p>

HFS 57.09	weapons is too broad <del>(7)(8)(13)(16)(18)(29)</del>	consistent with this comment. The sentence related to “other implements, devices or substances that could be used to threaten. . .” has been deleted.
<b>21.</b> Transportation HFS 57.12(3)	Driving records should not be required for staff who transport children infrequently <b>(33)</b>	No change. The \$5 fee to obtain a driving record is a small cost to ensure safety of residents being transported. A group home has the option of having the employee pay the fee as part of job application process.
<b>22.</b> HFS 57.12(5)	What is the cost of an annual vehicle inspection? <b>(7)</b>	No change. The vehicle inspection is a reasonable safety requirement when a group home is transporting children. Estimates range from \$25 to \$50. The cost can be minimized if combined with other vehicle servicing and is only required annually.
<b>23.</b> HFS 57.12(6)	Remove rule that vehicles be clean, uncluttered and free of obstruction <b>(16)</b>	No change. The Department believes the rule to be reasonable and directly related to the safety of children.
<b>24.</b> Reporting Requirements HFS 57.13(1)	Allow serious incident reports, including reports of physical intervention, to be submitted to the Department within 72 hours rather than 48 hours <b>(7)</b>	Agreed. The rule language has been changed consistent with this comment.
<b>25.</b> HFS 57.13(1)(a)	<ul style="list-style-type: none"> <li>• Rule language about the reporting of unreported child abuse and neglect is too vague <b>(7)(16)</b></li> <li>• The requirement to report allegations of abuse and</li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. The rule language has been changed to clarify the intent of the requirement.</li> <li>• No change. The requirement to report allegations to BRL reflects current practice.</li> </ul>

	neglect to Child Protective Services as well as to BRL entails too much paperwork <b>(16) (18)</b>	The intent of the rule is to alert licensing staff to investigate whether any licensing rule violations have occurred. The rule language inadvertently omitted the option to report by telephone and this has been added to the rule.
<b>26.</b> HFS 57.13(1)(b) Note	Examples in note may not require police intervention <b>(7)</b>	No change. The Department believes this issue is adequately addressed in the note by the term "example".
<b>27.</b> HFS 57.13(1)(k)	Only report fires involving fire department to BRL if there is structural damage to the group home or harm to resident <b>(16)</b>	No change. The Department needs to be advised of any fires on the group home premises in order to assess structural damage and to determine that the emergency and evacuation procedures were followed by group home staff.
<b>28.</b> HFS 57.13(4)	<ul style="list-style-type: none"> <li>Asks for clarification of the term "Serious Juvenile Offender" <b>(3)</b>.</li> <li>Group homes should not be required to notify BRL of admission of youth with a delinquency history, since many have minor offenses and this would be time consuming <b>(16)(18)</b></li> </ul>	<ul style="list-style-type: none"> <li>No change. A definition of "Serious Juvenile Offender" is in the rule under s. HFS 57.04(38).</li> <li>No change. The rule does not require notification to BRL of residents with a delinquency history, only for corrections youth that are classified as "serious juvenile offenders". The rule has been clarified by referencing the definition.</li> </ul>
<b>29.</b> HFS 57.13(6)	Should not have to submit proof of insurance to the Department if the group home as it on file <b>(7)</b>	No change. The rule requires that proof of insurance be submitted to the Department to ensure that the group home has ongoing coverage. Licensors may not be in the group home at the time the insurance expires; or may not monitor for that particular requirement at the time of a site visit. Group homes may ask insurance



			companies to name the Department on the insurance binder, which makes notification to the Department automatic.
<b>30.</b> HFS 57.13(9)	Should not have to submit fire inspection to the department if the group home has it on file. (7)		No change. The Department must be assured that the fire inspection is current and that there are no significant safety issues. Licensors may not be in the group home at the time the fire inspection occurs; or may not monitor for that particular requirement at the time of a site visit.
<b>31.</b> HFS 57.13(10)(a)	Clarify that the requirement for background checks on individuals residing in the group home does not apply to clients (16)		Agreed. Although background checks are addressed in s. 48.685, Stats., the rule language has been clarified consistent with this comment.
<b>32.</b> <b>Personnel</b> HFS 57.14(3)(a)	Objects to the requirement that staff and volunteers be in good physical and mental health, since the latter cannot be assessed. (13)		Agreed. It is important to ensure that caregivers are capable of adequately caring for children and youth. The rule language has been modified to clarify the intent.
<b>33.</b> HFS 57.14(4)(a)	<ul style="list-style-type: none"> <li>Object to the qualifications for program director as outlined in the proposed rule as being too restrictive; no benefit to hiring a certified social worker for this position. (4)(5)(6)(7)(8)(13)(16)(18)(21)(23) (33)(35)</li> <li>There would be increased cost to group homes to hire program directors with qualifications as required in the rule (3)(4)(5)</li> </ul>		<ul style="list-style-type: none"> <li>Agreed. The rule language has been changed to allow an individual with a 4-year college degree in social/behavioral science plus 2 years experience in child welfare to function as the program director.</li> <li>Agreed. In addition to the above, the option of retaining a sponsoring agency in lieu of a program director, as is allowed in current rule, has been added. This would result in no additional cost to group homes that currently</li> </ul>

	<ul style="list-style-type: none"> <li>Clarify the duties and function of the program director (3)</li> </ul>	<p>have a sponsoring agency and wish to continue that option.</p> <ul style="list-style-type: none"> <li>No change. The duties and functions of the program director are addressed in the rule under s. HFS 57.14(4)(a).</li> </ul>
<p><b>34.</b> HFS 57.14(4)(c)1 to 3</p>	<ul style="list-style-type: none"> <li>Work-study students should be allowed if age 18 and under supervision (16)</li> <li>Certification as a Youth Care Worker is not available in the Western part of the state. (13)</li> <li>A traineeship program where a trainee must work with an experienced staff member for 80 hours would result in double the cost for the licensee (7)</li> <li>How could a group home go about hiring an individual that does not have a high school diploma? (3)</li> </ul>	<ul style="list-style-type: none"> <li>No change. The rule allows for 19 year olds to be employed if they are enrolled in an approved college program. Since many residents of group homes are older teens, the department feels that staff needs to be mature enough to deal with behavior issues that such clients present. If the group home wishes to employ an 18 -year old, an exception may be requested under s. HFS 57.02 and would be considered by the department.</li> <li>No change. Certification as a youth care worker is not required by the rule. It is one of four possible options available to meet the rule requirement.</li> <li>No change. A traineeship is not required by the rule. It is one of four possible options available to meet the rule requirement. If a traineeship is utilized, there is no requirement that the trainee be paid during the 80 hours of training.</li> <li>No change. The rule does not require that group home caregivers have a high school diploma.</li> </ul>

<p><b>35. Hiring and Employment</b> HFS 57.15(1)(b)</p>	<p>Change number of employee references required to a total of 3 <b>(16)(29)</b></p>	<p>Agreed. The rule language has been changed to require the group home to obtain 3 favorable references from non-relatives.</p>
<p><b>36.</b> HFS 57.15(2)(c)</p>	<p>HealthCheck providers are not available in Monroe County to provide physical examinations for staff. <b>(13)</b></p>	<p>No change. The rule provides 3 options for health examinations for staff: certification from a physician, physician assistant or a HealthCheck provider. All staff would have access to one of these options.</p>
<p><b>37.</b> HFS 57.15(4)</p>	<p>Change rule that states a group home cannot hire staff if s/he has had a group home license denied or revoked within the past 2 years. Should instead look at the reason for the denial/revocation. <b>(16)</b></p>	<p>No change. Revocation or denial of a license occurs only after serious or ongoing problems with a licensed program have gone uncorrected. Licensees have the opportunity to appeal any Department denial or revocation actions. The Department believes that if a staff member has had such an action upheld, s/he should not be employed in a group home setting. A group home may request an exception to this rule under s. HFS 57.02 for the Department to consider.</p>
<p><b>38. Training</b> HFS 57.16(1)(b)</p>	<ul style="list-style-type: none"> <li>• Objects to CPR and first aid training being required within 60 days of hire. Proposes 3 or 6 months be allowed <b>(5)(6)(8)(36)</b></li> <li>• Add a requirement for infant/child CPR training for staff working in group homes caring for children under age 6 <b>(16)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. Due to the unavailability of training in many parts of the state, the rule language has been changed consistent with this comment to allow CPR and first aid training to be completed within 6 months of hire.</li> <li>• Agreed. The rule language has been changed consistent with this comment. Infant/child CPR training is now required by HFS 57.37(4).</li> </ul>
<p><b>39.</b> HFS 57.16(1)(c)</p>	<p>The requirement for fire safety training by Wisconsin Technical College System (WTCS) is too</p>	<p>No change. The rule requires fire safety training by WTCS or a comparable course approved by the Department. The rule allows alternatives to</p>

	costly or not available. <b>(13)(29)</b>	the WTCS training, which could include training from a local fire department at no cost to the group home. The WTCS fire safety training is also available statewide by video for a nominal fee.
<p><b>40.</b> HFS 57.16(2)</p>	<ul style="list-style-type: none"> <li>• 24 hours of continuing education per year for group home staff is too much. The requirement should remain at 15 hours per year. <b>(7)(36)</b></li> <li>• 15-20 hours of training per year. <b>(8)</b></li> <li>• 24 hours of training per year is appropriate, but more costly. <b>(13)</b></li> <li>• 24 hours of training a year is too low. Recommend 40 hours/year with reimbursement to group home <b>(1)</b></li> <li>• The types of training approved for continuing education should be specified in the rule <b>(1)(13)</b></li> </ul>	<ul style="list-style-type: none"> <li>• No change. Continuing education is beneficial for inexperienced workers to develop skills and to obtain specialized training as needs of residents and programs require; and for more experienced staff to refresh and reinforce their understanding of learned skills and to promote professional development. Professional development has been shown to be the key to quality care. The Child Welfare League of America (CWLA) recommends a minimum of 24 hours of continuing education per year as a national standard. The rule is quite broad in that it allows training to be provided by the licensee, a staff member, or volunteers. However, the rule language has been modified to also allow up to 5 hours per year of training via video or reading. Free and low cost training is available for group home staff. Group homes can also request an exception to this rule for the Department consideration.</li> <li>• No change. The rule requires that training be related to the client group served by the group home and allows group homes flexibility in the training topics that can be provided to staff.</li> </ul>
<p><b>41.</b> Personnel Policies and Records</p>	<p>"Terms of employment" and "chain of command" do not fit into the requirements for job descriptions <b>(7)</b></p>	<p>Agreed. The rule language has been changed consistent with this comment. "Terms of employment" and "chain of command" have been deleted. Those elements are adequately covered</p>

<p>HFS 57.17(1)(a)</p>	<p>Volunteers should be able to supervise on and off premises. Volunteers should not have to meet requirements for orientation and training. Volunteers should not have required performance evaluations. Personnel records should not have to be maintained on volunteers. <b>(16)(20)</b></p>	<p>under s. HFS 57.17(1)(c) and (e).</p> <ul style="list-style-type: none"> <li>No change. Volunteers are to be assisting paid staff, not replacing staff functions. To apply their abilities effectively, volunteers need a well -developed plan utilizing their skills, knowledge and interests, training, and supervision. All persons providing care in the absence of the regular provider need to have information that will allow them to provide adequate care and supervision to group home residents. All persons providing care on a regular basis to children should meet entry-level training that is approved by the Department to assure that children are receiving care in a safe and appropriate manner. Volunteers need to be familiar with the needs of the population served and be otherwise oriented to crucial areas including confidentiality, abuse and neglect reporting, and infant/toddler care. CWLA recommends orientation and training in the volunteer's specified roles, and procedures for monitoring and evaluating volunteer activities and contributions in the group home. There needs to be assurance that volunteers are following group home policies. The performance of volunteers can be reviewed by designated group home staff. The rule language has been modified to clarify the intent of the rule. Orientation, training and review of performance should all be documented and kept on file at the group home.</li> </ul>
<p><b>42.</b> HFS 57.17(1)(g);(3)</p>	<p>• The Department should</p>	

	provide a confidentiality acknowledgement form to be used with volunteers (5)(6)	<ul style="list-style-type: none"> <li>No change. While the Department understands the comment, this is not a regulatory issue.</li> </ul>
<p><b>43.</b> <b>Staff and Volunteer Responsibilities</b> HFS 57.18(3)(b)</p>	<p>The rule language requiring staff to notify the licensee of a current or past investigation by any governmental agency is too broad. What happens if an investigation is unfounded?(7) (16)</p>	<p>No change. The language in the group home rule is required by s. HFS 12.07(1)(b) related to caregiver background checks and is limited to investigations related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property. An unfounded investigation would likely have no adverse affect on an employee.</p>
<p><b>44.</b> <b>Admissions</b> HFS 57.19(5)(a)</p>	<p>Rule requirement of no more than 4 years age difference in the ages of children admitted to a group home. (16)</p>	<p>No change. The 4-year age range is established based on programming needs, safety concerns and to deter victimization. The CWLA states that grouping residents by age encourages strong peer relations, activities based on shared maturity levels and a format for working with youth that have similar developmental needs. Grouping residents by age is especially recommended when emotional and behavioral change is the primary objective, which is the case in group homes. A group home could submit an exception request to this rule under s. HFS 57.02 for consideration by the Department.</p>
<p><b>45.</b> <b>HFS 57.19(6)</b></p>	<p>Why may a group home admit only two 18-year old residents? (16)</p>	<p>No change. This rule relates to youth that are under a serious juvenile offender (SJO) delinquency disposition and who are <u>admitted at</u>, not prior to, age 18. More than 2 such residents in a group home would require a major program shift to accommodate adult corrections clients. A resident who reaches age 18 while in placement at the group home may continue to reside in the</p>

		<p>group home until age 19 under s. 48.355(4), Stats., provided s/he is a full time student. The rule does not limit the number of such non-SJO residents that can reside in the group home.</p>
<p><b>46. Discharge</b> HFS 57.20(4)</p>	<p>Change the requirement for licensee to provide a 30-day notice to a placing agency to remove a resident from the group home; remove the time limit or change to 15 days. <b>(5)(6) (8)(12)(29)</b></p> <p>Suggests that the word "respectful" be added to description of nurturing care <b>(5)(6)</b></p>	<p>Agreed. The rule language has been changed to require a 15 -day notice to be provided to placing agencies when a resident is to be removed. The Department believes this to be reasonable amount of notice to allow a placing agency to plan and transition a resident to another placement.</p>
<p><b>47. Nurturing Care</b> HFS 57.205(a)</p>		<p>No change. The Department believes that a humane environment includes respectful behavior.</p>
<p><b>48. Ratios and Supervision</b> HFS 57.21(1)</p>	<ul style="list-style-type: none"> <li>• Rules should require increased staffing levels for afternoons, early evenings and weekends <b>(1)</b></li> <li>• Objects to proposed requirement to have 2 staff on duty when 5 or more residents are in care. <b>(13) (23)(29)</b></li> <li>• Rules should require 2 staff when 6 or more residents are in care <b>(7)(8)(36)</b></li> <li>• Rules should allow 1 staff at all times, allowing providers to use discretion to exceed this ratio when necessary <b>(24)(33)(34)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. The rule language has been modified to require 2 staff to be on duty in a group home only when 6 or more residents are in care. The Department believes that data collected from serious incident reports submitted by the group homes supports this change. In the past year, there have been at least 12 (reported) serious occurrences related to staff coverage that necessitated police intervention or medical care to residents. The incidents include physical or sexual assaults between residents <b>(6)</b>, residents leaving the group home without staff knowledge and stealing a car <b>(2)</b>, residents stealing medications and other items from unsupervised staff offices <b>(3)</b>, and alcohol use by residents <b>(1)</b>. The CWLA has established a staff to resident ratio of 1 staff for every 6 residents as being the minimum required to assure safety of both residents and</li> </ul>

	<ul style="list-style-type: none"> <li>Remove the requirement for awake overnight staff (5)(6)(7)(35)</li> <li>Fiscal cost estimate for awake staff is too low (4)(5)(6)(23)</li> </ul>	<p>staff. <b>Note:</b> regarding commenter (34): The comments refer to shelter care and this rulemaking effort is for group home care. Group foster care is residential care for 5-8 children licensed under ch. HFS 57. Shelter care is temporary care of 60 days or less for children pending court action and is licensed under ch. HFS 59. Commenter (34) has requested retraction of comments.</p> <ul style="list-style-type: none"> <li>Agreed. The rule language has been modified to allow group homes not to have awake staff overnight if an alternate means of assuring the safety of residents is provided by the group home and approved by the Department. An exception to the requirement may be requested in this situation.</li> <li>Agreed. The costs for group homes that would be required to hire additional staff to comply with requirements related to staff to child ratios and awake overnight staff may have been underestimated by the Department. In re-calculating the estimate, the cost is estimated to be \$42,209 (\$10,309 x 2920 hours for an annual salary of \$30,102 x .4022 fringe benefits = a fringe rate of \$12,107 for a total annual cost of \$41,104 per employee). Changes have been made to the proposed rule requirements for staff to child ratios and awake overnight staff, which will</li> </ul>
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		<p>lessen or eliminate the cost factor. A survey of group homes shows that nearly 75% have 2 staff on duty during first and second shifts and nearly 85% have awake overnight staff. Also, 50-60% of group homes do not currently operating at licensed capacity. Many are caring for 5 or 6 children rather than maintaining a capacity of 8.</p>
<p><b>49.</b> HFS 57.21(2)</p>	<p>Allow residents 12 years of age or older to be in group home without supervision (7)</p>	<p>No change. Children are placed in group homes due to severe emotional and behavioral problems or intense medical needs. The Department believes that group home residents should receive close supervision at all times. If close supervision is not needed, the child should be in a less restrictive placement, such as a foster home.</p>
<p><b>50.</b> <b>Resident Activities</b> HFS 57.22(1)</p>	<p>The requirements for resident activities are too detailed and should not be mandated (16)(18)(33)</p>	<p>No change. It is important that group homes provide a range of planned, predictable and scheduled recreational activities. This does not preclude spontaneous group activities, varying activities or allowing "free time. The rule requirement assures that residents are being given opportunities for age-appropriate recreation to promote physical, social and emotional development and is not unreasonable.</p>
<p><b>51.</b> <b>Treatment Planning</b> HFS 57.23(1)</p>	<p>• Cannot complete treatment plans within 30 days, as residents may not be there that long. (13)</p>	<p>• No change. The Department believes this issue is adequately addressed in the rule, which requires that an <u>assessment</u> is completed within 30 days and that a treatment plan be developed after the assessment. If a resident is not in the group home for 30 days, this rule requirement would not apply.</p>

	<ul style="list-style-type: none"> <li>• Would like to use treatment plans from county social workers or progress notes instead of a formal treatment plan (13)</li> </ul>	<ul style="list-style-type: none"> <li>• No change. While the Department understands the commenter's suggestion, this is a "best practice" issue rather than a regulatory issue.</li> </ul>
<p><b>52.</b> <b>Medical Care</b> HFS 57.25</p>	<p>The rules related to medications are confusing. Suggests using the rules for Community Based Residential Facilities (CBRF) as a guide (7)</p>	<p>No change. The CBRF rules were reviewed during the rule writing process. Some of the standards were, in fact, utilized in the group home rule. However, CBRF's are facilities for adults and residents are often able to self-administer all of their own cares and medications. Adults do not require the same degree of oversight and supervision as do juvenile residents of group homes. A licensed pharmacist from the DHFS Bureau of Quality Assurance also reviewed the medication section of the rule and his comments and suggestions were incorporated.</p>
<p><b>53.</b> HFS 57.25(2)(a)4.</p>	<p>Group home staff should not be required to understand the benefits and side effects of medications being administered to residents (7)</p>	<p>No change. The group home is responsible for reviewing drug interaction information and for monitoring residents for any adverse side effects. There is a higher risk of medication complications in the young, developmentally disabled and physically disabled. If staff do not understand the purpose of the medication and any potential adverse side effects, they cannot adequately and safely monitor residents receiving those medications.</p>
<p><b>54.</b></p>	<p>The group home manager should</p>	<p>Agreed. The rule language has been modified to</p>

<p>HFS 57.25(2)(b)</p>	<p>be allowed to authorize who may administer medications to residents. <b>(8) (13)</b></p>	<p>allow either the program director or the group home manager to authorize staff to administer medications to residents.</p>
<p><b>55.</b> HFS 57.25(2)(c)5.</p>	<p>Residents should be allowed to self-administer psychiatric medications as they are no different than any other drug. <b>(7)</b></p>	<p>No change. A psychotropic medication is a drug used to treat, manage or control psychiatric symptoms. Minimum practice standards have been established for the use, monitoring and documentation of psychotropic medications. Psychotropic medications are singled out for more stringent monitoring because they are often prescribed for a psychiatric diagnosis, they have significant side effects and they are easily misused or abused.</p>
<p><b>56.</b> HFS 57.25(6)(g)</p>	<p>Group homes cannot access the Drug Enforcement Agency (DEA) procedures as required by this rule. <b>(7)</b></p>	<p>Agreed. The rule language has been changed to reflect the proper procedure for contacting the DEA.</p>
<p><b>57.</b> HFS 57.25(7)(c)1. and 3.</p>	<ul style="list-style-type: none"> <li>• It is not a group home's responsibility to arrange for a physician to complete an initial medical evaluation for the type of psychotropic medication to be prescribed. Frequently, residents come to the group home with medications already prescribed.<b>(7)</b></li> <li>• The group home does not have a psychiatrist available to do the initial medical evaluations <b>(13)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. Section HFS 57.25(7)(c)1. has been clarified by indicating that a group home is required to ensure that a medical evaluation is completed only if a resident has not been previously evaluated or when psychotropic medications are newly prescribed.</li> <li>• No change. The rule requires an evaluation completed by a physician. Evaluation by a psychiatrist is not required.</li> </ul>

	<ul style="list-style-type: none"> <li>It is not a group home responsibility to obtain information from a physician regarding justification for the use of a psychotropic medication. (7)(8)</li> <li>It is not a group home responsibility to ensure that physicians submit written reports justifying psychotropic medications. (29)</li> </ul>	<ul style="list-style-type: none"> <li>No change. A physician should have justification for prescribing a psychotropic medication and that justification should be based on input from staff of the group home. However, the rule language has been modified somewhat to clarify the intent of this rule.</li> <li>Agreed. The rule language has been modified. The group home is responsible for medical care of residents. The expectation would be that the group home requests the written report from the prescribing physician.</li> </ul>
<b>58.</b> <b>Dental Care</b> HFS 57.26	Dental visits every 6 months cannot be completed because there are no dentists that accept Medical Assistance (13)	No change. The rule reflects the recommended standards for pediatric dental visits and it is expected that group homes will attempt to meet the requirement. A group home could request an exception under HFS 57.02 for Department consideration.
<b>59.</b> <b>Behavior Intervention</b> HFS 57.27(1)	The section on behavioral interventions should be removed because such interventions cannot be assessed by licensing specialists during their visits. Believes that "selective enforcement" will result. (33)	No change. The purpose of this section of the rule is to ensure that restrictive measures are used as last resort when dealing with residents' behavior. Selective enforcement of the rule is not the issue. Outcomes will dictate if the rule is violated. If a resident's health, safety or welfare is compromised, it is easy to assess whether there is a rule violation. The licensing approach in enforcing these requirements is no different than with any other rule.
<b>60.</b> HFS 57.27(1)(a)	Disagrees with rule language since discipline by nature is "psychologically uncomfortable" (7)	Agreed. The rule language has been changed to replace "psychologically uncomfortable" with "actions that may be psychologically, emotionally or physically painful".

<p><b>61.</b> HFS 57.27(2)(c)</p>	<p>Time limits for time-outs should be longer. <b>(36)</b></p>	<p>Agreed. The rule language has been changed consistent with this comment. The Department consulted a child psychologist and lengthened the time limits for time-outs to be consistent with his recommendations. A group home can submit an exception request providing justification to exceed the time limits under s. HFS 57.02.</p>
<p><b>62.</b> HFS 57.27(2)(g)</p>	<p>Why do time-outs have to be documented within 12 hours? <b>(16)</b></p>	<p>No change. Time-outs need to be documented promptly to assure an accurate record of a resident's behavior and to assess any patterns or identified problems with the structure or supervision. Such documentation also assures that staff that follow on another work shift are aware of any possible problems with residents thereby enabling staff to provide better care and to assure safety of all residents.</p>
<p><b>63.</b> HFS 57.27(3)(b)1.</p>	<ul style="list-style-type: none"> <li>• Add language to the rule requiring that physical restraint be used only as a last resort and requiring attempts to de-escalate behavior. <b>(9)(10)</b></li> <li>• Add requirement for additional staff to monitor the use of restraint, in addition to the staff applying the restraint. <b>(9)(10)</b></li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. The rule language has been modified consistent with this comment.</li> <li>• No change. While the Department agrees with the commenter, this is a "best practice" issue. s. HFS 57.27(3)(b) requires that at least two staff be present during the use of a physical restraint. Requiring an additional staff person to monitor the restraint would mean a group home would have to have 3 staff on duty, which is an unrealistic expectation that would be costly.</li> </ul>
<p><b>64.</b> HFS 57.27(3)(b)4.</p>	<p>Prohibit the use of all floor restraints, not just prone restraints.</p>	<p>No change. While the Department agrees with the commenter, this is a "best practice" issue. Prone</p>

	<b>(9)(10)</b>	restraints are prohibited in the rule because they are among the most dangerous type of floor restraint. The rule contains several requirements that must be met in order for any other physical restraint to be utilized. Other floor restraints, such as sitting or basket holds, are less dangerous and give properly trained staff some options to utilize when a resident displays behavior that is imminently dangerous to self or others.
<p><b>65.</b> HFS 57.27(3)(b)6.</p>	<ul style="list-style-type: none"> <li>• The rule should require crisis intervention for all group home staff <b>(9)(10)</b></li> <li>• Training in verbal and physical interventions, less restrictive techniques, de-escalation and debriefing should be required <b>(9)(10)</b></li> <li>• Annual refresher training in crisis intervention should be required for staff having received initial crisis intervention training. <b>(9)(10)</b></li> </ul>	<ul style="list-style-type: none"> <li>• No change. Each group home needs to make its' own determination regarding the use and application of physical interventions. If group home policy is that physical restraints are not to be utilized, there is no need for training. Requiring all group home staff to be trained would be cost prohibitive for many group homes.</li> <li>• Agreed. The rule language has been changed consistent with this comment.</li> <li>• Agreed. The rule language has been changed consistent with this comment.</li> </ul>
<p><b>66.</b> <b>Clothing</b> HFS 57.28(4)</p>	<p>It is unreasonable to keep a log of residents' clothing <b>(7)(29)</b></p>	<p>No change. The group home is responsible to ensure that residents have appropriate clothing, and should be able to document that residents have sufficient and appropriate clothing, especially</p>

		<p>upon admission. If residents come into the group home with certain items of clothing, they should be able to leave the group home with that clothing. Chapter HFS 94 Patients' Rights, requires that residents have a right to their personal clothing. Unless there is some type of inventory completed, it would be impossible to determine if these requirements are met.</p>
<p><b>67.</b> <b>Spending money</b> HFS 57.305</p>	<p>Spending money should only be given to residents for performing chores. <b>(8) (13) (16)(18)</b></p>	<p>No change. The Department believes that the handling of money is a critical independent living skill. In addition, some access to spending money is an important part of socialization (i.e. going with friends to buy a snack after school etc.). Therefore, it is expected that group home residents would receive a regular amount of spending money, based on age and maturity. This does not preclude children from earning extra money. The CWLA also recommends that youth receive a regular, age-appropriate allowance to help them experience the value of possessing money and learning to use it appropriately. Older children can be given opportunities to earn extra money above and beyond the base allowance.</p>
<p><b>68.</b> <b>Food and Nutrition</b> HFS 57.31</p>	<p>The nutritional requirements should be removed, instead allow group homes to provide a "well balanced" diet <b>(1)</b></p>	<p>No change. It is important to assure that group home residents are offered appropriate, nutritious and healthy meals and snacks. The requirements in the rule are established by the USDA as minimal nutritional standards for children. The guidelines in the rule are minimal and will not be burdensome for group homes to implement.</p>
<p><b>69.</b> HFS 57.31(6)</p>	<p>Change the time that leftovers can be served from 36 to 72 hours or remove the requirement entirely.</p>	<p>Agreed. The rule language has been changed to eliminate this requirement. The intent of the rule is covered under s. HFS 57.31(4) that prohibits</p>

	<b>(7) (8) (23)</b>	serving spoiled or deteriorated food.
<b>70. Education</b> HFS 57.32	Group homes should not be required to notify the school district of resident's placement in the group home <del>(5)(6)</del>	No change. Notification to the school district is not a requirement of this rule.
<b>71. Sleeping Arrangements</b> HFS 57.33(5)	Questions the requirement to allow only 2 residents to a bedroom. <del>(5)(6)</del>	No change. The requirement to limit the number of residents in a room is primarily for reasons of safety. Serious incident reports submitted to the Department reflect several instances of resident to resident physical and sexual assaults, which frequently occur in resident bedrooms. When there are 3 or 4 seriously emotionally and behaviorally disturbed residents in a single bedroom, there is a much higher risk of tension resulting in acting out behavior between residents. There have also been incidents of gang behavior in group homes when one resident is singled out or targeted by other residents. Placing 3 or 4 residents in a room increases the risk that such victimization can occur.
<b>72. Care for Custodial Parents and Expectant Mothers</b> HFS 57.36(3)	The staffing ratios of 1 staff for every 4 residents at all times should be removed. <del>(16)(17)(18)(19)</del>	Agreed. The rule language has been deleted consistent with this comment. Group homes for parenting teens will be required to meet the same staffing ratios as other group homes as described in s. HFS 57.21(1).
<b>73.</b> HFS 57.36(6)(a)4.	Define "compensation" as it relates to the care of more than 3 infants? <del>(16)</del>	No change. "Compensation" means that a provider receives payment, reimbursement or repatriation for services provided, such as childcare. Chapter 48.65(1), Stats., requires that no person may for compensation provide care for 4 or more children under the age of 7 unless that person obtains a license to operate a childcare center



		from the Department.
<p><b>74.</b> HFS 57.36(6)(a)2.</p>	<p>Table 57.36 gives the ratios for the care of 6-year olds. Group homes should be able to meet the same staff to child ratios for residents in care <b>(7)(16)</b></p>	<p>No change. The ratios referenced in Table 57.36 are applicable to the care of the young children of residents of the group home. These children are under the care and custody of their teen parents but may be under the care and supervision of group home staff for limited periods of time while their parents are in school or are otherwise unable to provide care. The ratios are the same as those required for licensed family childcare providers as required by ch. HFS 45.</p>
<p><b>75.</b> HFS 57.36(8)</p>	<p>If a teen parent has twins, the bedroom size in an existing group home will not meet the rule requirements. <b>(16)</b></p>	<p>No change. The subject of the comment is beyond the scope of the rule. The group home can request an exception under s. HFS 57.02 for Departmental consideration.</p>
<p><b>76.</b> <b>Children 6 Yrs. &amp; Under</b> 57.37(6) and (9)</p>	<ul style="list-style-type: none"> <li>• The rule should specifically require that mothers should not sleep with their babies. <b>(16)(19)</b></li> <li>• The rule should specify that babies should not be put to bed with a bottle <b>(16)(19)</b></li> </ul>	<ul style="list-style-type: none"> <li>• No change. The Department believes this issue is adequately addressed in the rule under HFS 57.33(1) which requires that a child of a custodial parent shall have his or her own crib, bed, or bassinnet and may not routinely share a bed with his or her parent.</li> <li>• Agreed. The rule language has been changed consistent with this comment.</li> </ul>
<p><b>77.</b> HFS 57.37(9)</p>	<p>The food and nutrition requirements for children under the age of 6 should be changed to state that children will be fed in accordance with the pediatrician's</p>	<p>No change. It is important to assure that infants and young children are offered appropriate, nutritious and healthy meals and snacks. The requirements in the rule reflect standards established by the USDA as minimal nutritional</p>

	recommendations (16)(20)	standards for infants and young children. An exception to this rule can be requested under s. HFS 57.02 if a physician's recommendations differ from the nutritional requirements stated in the rule.
<b>78. Resident Records</b> HFS 57.38(1)(b)	Obtaining photographs of youth is not realistic for residents who have temporary stays, such as in runaway programs (33)	No change. Photographs of residents are important to assure staff recognition of residents and to identify a child if s/he elopes or goes missing. This is especially important for runaway programs where children have a known history of such behaviors.
<b>79.</b> HFS 57.38(1)(c)	Voluntary placement agreements and court orders are not realistic for short-term (i.e. runaway) programs. (33)	No change. Chapter 48.63(1), Stats., states that a child can only be placed into a licensed group home by a court order or voluntary placement agreement. A voluntary placement agreement may not exceed 15 days.
<b>80.</b> HFS 57.38(2)	Asks for justification of the rule that requires resident records be kept past age 19. (16)	No change. This rule requirement is based on administrative rule HFS 92 "Confidentiality of Treatment Records" which requires treatment records to be maintained until a minor turns 19 years of age or until 7 years after treatment has been completed, whichever is longer. "Treatment" is defined as including psychological, educational, social, chemical, medical or somatic techniques.
<b>81. Physical Plant</b> HFS 57.40(2)(e)	Rule should allow resident bedrooms below grade without exits to grade (16)	No change. The rule requirements are based on s. Comm. 21.03(5) (b) of the Uniform Building Code that requires 2 exits to grade level from basement sleeping rooms. The rule is to assure safe and timely exiting in the case of a fire or other emergency and is especially important in group

<p>homes that have been parents sharing a room with their infants.</p>		
<p><b>82.</b> HFS 57.40(4)(b)</p>	<p>What is meant by humidity control? <b>(16)</b></p>	<p>The requirement for humidity control has been removed.</p>
<p><b>83.</b> HFS 57.40(6)(a)2.</p>	<ul style="list-style-type: none"> <li>Remove the rule that requires 1 bathroom for every 8 residents. It is not needed since 1 bathroom is required and a group home may only have a maximum of 8 residents. <b>(16)</b></li> <li>For group homes serving males and females, the rule should require only 1 and 1/2 baths and they should not be gender specific <b>(7)</b></li> </ul>	<ul style="list-style-type: none"> <li>Agreed. The rule language has been changed consistent with this comment.</li> </ul>
		<ul style="list-style-type: none"> <li>No change. The requirement for separate bathrooms in co-ed group homes is to assure privacy for residents of either sex, to prevent perpetration between residents (many of whom have sexual abuse histories) and to facilitate staff supervision of residents. Serious incident reports submitted to the Department by group homes have indicated situations where resident to resident physical or sexual assault has occurred in shared bathroom facilities. The CWLA recommends separate, gender specific bathroom facilities in co-ed group homes. A survey of existing group homes indicates there are only 4 co-ed group homes in the entire state that do not have two bathrooms. A licensee could request an exception to this rule per s. HFS 57.02.</li> </ul>
<p><b>84.</b></p>	<p>What is the rationale for the</p>	<p>No change. The rule will require a bedroom for</p>

<p>HFS 57.40(6)(b)</p>	<p>increased square footage for resident rooms for group homes licensed after the effective date of this rule? <del>(5)(6)</del></p>	<p>one (ambulatory) resident to be 80 square feet and a bedroom for 2 (ambulatory) residents to be 120 square feet. The majority of group home residents are teenage males. The Department believes that the dimensions 8' x 10' are reasonable to accommodate a bed, dresser and personal belongings (such as stereos) of a teen. The Department consulted with a realty company that verified that "the market" defines a bedroom as being at least 80 square feet.</p>
<p><b>85.</b> <b>General Safety Precautions</b> HFS 57.41(12)</p>	<p>Items listed in the rule that are to be inaccessible to children are unrealistic. <del>(7)(8) (13)(18)(23)</del></p>	<p>Agreed. The rule language has been modified consistent with this comment. The rule now contains the language established by the CWLA and more accurately and reasonably describes what substances and equipment may be kept on the group home premises and what items must be kept inaccessible to residents.</p>
<p><b>86.</b> <b>Fire Safety</b> HFS 57.42(2)(b)</p>	<p>The requirement for fire evacuation drills to be conducted between the hours of 12 a.m. and 6 a.m. should be removed. Residents will become desensitized to emergencies. It would be unsafe for teen parents to evacuate with their infants. <del>(16)(23)</del></p>	<p>No change. Research has shown that most fires in residential settings resulting in serious injury or death occur between the hours of 12 a.m. and 6 a.m. This is due to the fact that residents do not react predictably to an emergency after being roused from sleep, staff is not prepared and such evacuations have not been rehearsed. Residents and staff need to know what to do in an emergency regardless of the time of day. This is especially true in group homes serving young children or teen parents and their infants, where evacuation is likely to be much more dangerous. Since the rule requires that evacuations be practiced between the hours of 12 a.m. and 6 a.m., such a drill could be conducted between the hours of 5 a.m. and 6 a.m., after which residents could</p>

			begin their day. Also, the rule only requires such an evacuation to be conducted once every 6 months. The Department believes that these expectations are reasonable and necessary to assure the basic safety of group home residents in case of fire.
<b>87. Sanitation</b> HFS 57.44(2)	Dishwashers should be required in all in new group homes for hygiene reasons <b>(7)</b>		No change. Dishwashers are an option for any group home. Requiring dishwashers would involve an unnecessary cost.
<b>88. Group Home Location</b> HFS 57.45(2)	Delete the requirements for a community advisory committee and instead allow the group home Board of Directors to perform this function. <b>(16)</b>		No change. Chapter 48.68(4), Stats., requires a group home to make a good faith effort to establish a community advisory committee consisting of representatives from the group home, the neighborhood, and a local unit of government.
<b>89. Corporate Licensure</b> HFS 57.52	What procedure should be followed if a family group home wishes to incorporate? <b>(3)</b>		No change. The subject of the comment is beyond the scope of this rule. The Department would suggest that the commenter be referred to the Department of Financial Institutions.
<b>90. Posting of License and Citations</b> HFS 57.54	The group home should not have to post citations issued by the Department. Such information is private and the posting of citations is a "shame based" approach. <b>(16)</b>		No change. The Department's reports of non-compliance are public information and contain no personally identifying or confidential information. The Department has received requests asking that licensing citations be made more readily available to parents, clients, and the general public. The reports include a statement from the group home's describing the plan of correction for each citation. Posting the citations assures the public's right to know.