

## Chapter H 35

NEW INITIAL STRUCTURES AND ADDITIONS TO  
EXISTING NURSING HOMES

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**H 35.04 Location.** The site for new construction shall adhere to local zoning regulations; be free from environmental nuisances, such as noise, odors, etc.; be easily accessible for employees and visitors via public transportation. The home shall be so located as to promote at all times the health, treatment, comfort, safety, and well-being of persons accommodated.

**H 35.11 Corridor widths—recommendation.** It is *recommended* corridor widths be at least 8 feet in patient areas of all buildings. The corridors referred to herein are those in patient sections and in other areas where patients may be transported by beds, wheeled stretchers, or wheel chairs.

**H 35.12 Handrails for corridors—recommendation.** It is *recommended* that corridors have handrails.

**H 35.13 Elevators—recommendation.** (1) It is *recommended* that at least one elevator be provided where bed patients are located on one or more floors above or below the dining or service floor; that the platform size of the patient elevators be at least 5 feet 4 inches by 8 feet and the door opening equal or exceed 3 feet 10 inches. Additional service elevators need not meet the minimum size requirements.

(2) It is *recommended* that two elevators be provided in homes

having 60 to 200 patients above the first floor (ground level) and that three elevators be provided in institutions having 200 to 350 patients above the first floor. Properly located service elevators meeting the minimum cab and door size requirements may be substituted for the additional patient elevators.

**H 35.14 Supply elevator or chute—recommendation.** It is *recommended* that a ramp, chute or preferably a supply elevator be provided where bulky or heavy stores and supplies must be transported vertically.

**H 35.15 History:** 1-2-56; r. Register, June, 1959, No. 42, eff. 7-1-59.

**H 35.16 Incombustible acoustical ceilings—recommendation.** It is *recommended* that incombustible acoustical ceilings be provided in corridors of the patient areas, nurses' stations, utility rooms, floor pantries and kitchens.

**H 35.22 Doorways—recommendation.** It is *recommended* that doorways for all bedrooms and treatment rooms be at least 3 feet 8 inches in width, preferably 3 feet 10 inches.

**H 35.24 Doors—toilet rooms—recommendation.** It is *recommended* that small private toilet rooms adjoining patient bedrooms have the door opening into the bedroom.

**H 35.25 Doors—all rooms—recommendation.** It is *recommended* that doors swing into rooms and not into passageways or corridors.

**H 35.26 Thresholds—recommendation.** It is *recommended* that raised thresholds not be used.

**H 35.27 Floor space—recommendation.** It is *recommended* that the following minimum floor area per bed be provided:

80 square feet for multiple-patient rooms

120 square feet for single-patient rooms

**H 35.36 History:** 1-2-56; r. Register, June, 1959, No. 42, eff. 7-1-59.

**H 35.37 Night light switches—recommendation.** It is *recommended* that the outlet for general illumination and night lights be switched at the door in patient rooms and such switches be of an approved mercury or quiet operating type.

**H 35.40 Isolation room—recommendation.** It is *recommended* that each home have available a room with separate toilet facilities for the isolation of a communicable disease patient, a critically ill patient, or a dying patient.

**H 35.44 Household measures—recommendation.** The following are *recommended*:

- (1) Indoor storage areas be adequately ventilated.
- (2) Facilities for washing containers be provided.
- (3) Electric garbage grinders be installed when not in conflict with local regulations.

**H 35.50 Grab bars—recommendation.** It is *recommended* that grab bars or handrails be provided in patient toilet rooms, shower rooms, and over bath tubs.

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**H 35.51 Toilet facilities for employes—recommendation.** It is *recommended* that separate toilet facilities be provided for employes.

**H 35.52 Urinals, vertical handholds—recommendation.** It is *recommended* that urinals, if provided, have vertical handholds on both sides.

**H 35.53 Water closets, handrails—recommendation.** It is *recommended* that the water closets have handrails on both sides.

**H 35.54 Lavatories, brackets—recommendation.** It is *recommended* that lavatories be supported on brackets to allow wheel chairs to slide under them.

### ENFORCEMENT

**H 35.60 Administration.** The administration of the nursing home licensing and accrediting act shall be under the board which shall make or cause to be made such inspections and investigations as it deems necessary.

**H 35.61 Board empowered to regulate.** The board is empowered to register, license, inspect and regulate nursing homes, but no such license shall be in effect before June 30, 1952, and no such license shall be required before such date.

**H 35.62 Institutions excluded.** The term "nursing home" shall not include institutions operated by the federal government or county institutions subject to the supervision of the state department of public welfare under sections 46.16 (1) and 46.17 (1), Wis. Stats., offices of practitioners treating the sick, nor to child care centers, day nurseries, maternity homes, nursery schools, foster homes, child placing or child welfare agencies as defined under the laws of this state; nor shall such term include hotels, general hospitals, institutions for the treatment and care of psychiatric and tuberculosis patients, and child care institutions; provided, that any hotel or institution or part thereof, which comes within the above definition of nursing home shall be so regarded as to the part so operated.

**H 35.70 Inspections.** The board, or its designated representatives, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and file written reports.

**H 35.71 Access to nursing homes and records.** The licensed operator of a nursing home, or his agent, shall give to the designated representatives of the board all information required and shall afford every facility for examining records, inspecting the premises, seeing and interviewing patients or residents and inquiring into all pertinent matters concerning the nursing home and patients.

**H 35.80 Registration.** Registration shall be in writing in such form and contain such information as the board requires. Section 146.30 (5) (a), Wis. Stats.

**H 35.81 Application for license.** The application for a *license* shall be in writing upon forms provided by the board and shall contain such information as it requires. Section 146.30 (5) (b), Wis. Stats.

**H 35.82 Issuance.** The board shall issue a license if the applicant is fit and qualified, and if nursing home facilities meet the requirements established.

**H 35.83 Provisional license.** A provisional license if approved by the board may be issued to any nursing home, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under the provisions of this section. A provisional license may not be issued for more than one year; no provisional license shall be in effect prior to June 30, 1952. Section 146.80 (11), Wis. Stats. (Standards recommended by the board are not obligatory for licensure.)

**H 35.84 Renewal.** A license, unless sooner suspended or revoked, shall be renewable annually on July 1, upon filing by the licensee, and approval by the board of an annual report and application for renewal on forms provided by the board. If application for renewal is not so filed, such license is automatically cancelled as of the day of its expiration.

**H 35.85 License nontransferable.** Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable.

**H 35.86 Content of license.** Any license granted shall state the maximum bed capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the board, by rule, may prescribe.

**H 35.87 Posting of license.** The license shall be posted in a conspicuous place in the nursing home.

**H 35.88 Denial, suspension or revocation of license; notice.** The board after notice to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements and established rules.

**H 35.89 Right of appeal.** Any person who considers any part of these standards and any official's interpretation of the standards to be unreasonable may appeal to the state board of health.

**H 35.90 Failure to register or operating without license; penalty.** It shall be unlawful for any person, acting jointly or severally with any other person, to conduct, maintain, operate, or permit to be maintained or operated, or to participate in the conducting, maintenance or operating of a nursing home, unless within 60 days after the effective date hereof it is registered with the board, or unless after June 30, 1952, it is licensed as a nursing home by the board. Any person who shall violate this section shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense, and each day of continuing violation after the first conviction shall be considered a separate offense.

**H 35.91 Right of injunction.** Notwithstanding the existence or pursuit of any other remedy, the board may, in the manner provided by law, upon the advice of the attorney general, who shall represent the board in all proceedings, maintain an action in the name of the state for injunction or other process against any person or agency to restrain or prevent the establishment, conduct, management or operation of a nursing home without a license or without being registered. Section 146.30 (10), Wis. Stats.

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