

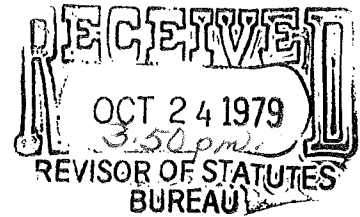
H 32



State of Wisconsin \ DEPARTMENT OF HEALTH & SOCIAL SERVICES

OFFICE OF THE SECRETARY
1 WEST WILSON STREET
MADISON, WISCONSIN 53702

STATE OF WISCONSIN)
)
DEPARTMENT OF HEALTH AND SOCIAL SERVICES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Donald E. Percy, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the creation of rules and regulations relating to nursing homes were duly approved and adopted by this department.

I, further certify that to the best of my knowledge, my official representative has compared said copy with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department in the city of Madison, this 22nd day of October, 1979.

Donald E. Percy, Secretary
Department of Health & Social Services

SEAL:



ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING, AMENDING AND REPEALING RULES

Relating to rules concerning encouragement to upgrade the physical plant facilities in Wisconsin nursing homes.

ANALYSIS PREPARED BY DIVISION OF HEALTH STAFF

After the promulgation of revised Chapter H 32 in 1974, and the implementation of the 1974 HEW Regulations for both SNF (Skilled Nursing Facilities) and ICF (Intermediate Care Facilities) facilities, it was clear that an identifiable group of homes must be given multiple waivers of the standards in order to continue to operate. The continued granting of these waivers influences the level of services provided residents. The identified group of facilities with multiple waivers has been steadily declining: 1974 - 149 facilities with 5,762 beds existed; 1978 - 87 facilities with 3,296 beds, and now approximately 53 remain.

Beginning January 1, 1980, each facility notified of waiver denial will be reviewed at the time of the next license renewal. If a good faith effort has been shown and progress demonstrated in either re-building or eliminating those deficiencies for which a waiver will not be granted, an extended license could be issued to enable the facility to complete their corrections. Each continuation will be monitored closely to determine that continued progress is being made.

- - - - -

Pursuant to authority vested in the Department of Health and Social Services by section 227.014, Wis. Stats., the Department of Health and Social Services hereby repeals, amends and adopts rules interpreting section 50.02(2)(a), Wis. Stats., as follows:

Section H 32.28(12)(a) is repealed.

Sections H 32.27(5)(a), and H 32.28(18) are amended to read:

H 32.27(5)(a) Rooms shall have no more than 4 beds with not less than 3 feet between beds.

H 32.28(18) LIVING-DINING-RECREATION. Every home shall have at least one comfortably furnished living, dining or recreation room for the use of residents. Under no circumstances shall the living, dining or recreational room be used as a bedroom. The combined living-dining-recreation areas shall be a minimum of 15 square feet per bed. No combined living-dining-recreation area shall be less than 100 square feet. Solaria, lobby and entry halls exclusive of traffic areas will be categorized as recreation or living room space.

Sections H 32.27(8) and (9) are adopted to read:

H 32.27(8) WAIVER PROVISIONS. The department may, for a period deemed appropriate, waive specific provisions of the physical environment requirements of the rules, which if rigidly applied, would result in unreasonable hardship upon a particular nursing home, but only if a waiver would not adversely affect the health and safety of the patients.

H 32.27(9) These rules shall be effective on January 1, 1980.

(a) All facilities shall comply with, or be granted waivers of, these rules within a period of time not to exceed one year from the annual renewal date of the facility license, and after the effective date of the rules in this subsection, except that the department may issue or renew a license based upon the department's finding of the facility's acceptable progress towards compliance with the code according to an approved plan of correction.

(b) CONSTRUCTION STANDARDS. 1. Facilities one-story in height may be constructed of one-hour fire-resistive construction, one-hour protected noncombustible construction, 2-hour fire-resistive construction, one-hour protected ordinary construction, one-hour protected wood frame construction, heavy timber construction, unprotected noncombustible construction, or unprotected combustible construction.

2. Two-story facilities shall be constructed of at least one-hour protected wood frame, one-hour protected ordinary, or one-hour protected noncombustible construction.

3. Facilities, 3 stories or more in height, shall be constructed of at least 2-hour fire-resistive construction.

(c) FIRE ESCAPES. Facilities provided with outside fire escapes as one of the required means of egress shall meet all of the following requirements:

1. Iron, steel, or concrete or other approved noncombustible material shall be used in the construction and support of the fire escape.

2. No part of access or travel in the path of exit shall be across a roof or other part of a facility which is of combustible construction.

3. Protection against fire in the facility shall be by blank or closed walls directly under the stairway and for a distance of 6 feet in all other directions. A window shall be permitted within this area if it is stationary, of steel sash construction, and is glazed with wire glass of not less than 1/4-inch thickness. The maximum size of wire glass shall not exceed 1296 square inches with no dimensions exceeding 54 inches in either length or width.

4. A tubular or spiral slide-type fire escape shall not be permitted.

5. The bottom riser shall terminate at ground level, with the last riser not more than the spacing of the riser above.

6. The doorway leading to a fire escape shall be at floor level.

(d) VERTICAL EXIT STAIRWAYS. Interior stairways serving as an exit shall be enclosed and separated from the rest of the facility with materials having at least a one-hour fire-resistive rating. All required exit stairways shall provide an enclosed protected path of at least one-hour fire-resistive construction for occupants to proceed with safety to the exterior of the facility.

(e) EXIT STAIR CONSTRUCTION. In existing facilities built prior to December 1974, any stairway being used as one of the required means of exit shall comply with the following requirements:

Note: Department of Industry, Labor and Human Relations stair requirements adopted since 1914 may be more restrictive for width of stair, height of riser, tread width and headroom.

<i>Minimum width clear of all obstruction except handrails which may project not more than 3-1/2-inches each side and stringers which may project not more than 1-1/2-inch each side.</i>	<i>44 inches: 36 inches - where total occupancy of all floors served by stairways is less than 50 persons.</i>
<i>Maximum height of risers</i>	<i>8 inches</i>
<i>Minimum width of tread exclusive of nosing or projection</i>	<i>9 inches</i>
<i>Windings</i>	<i>None allowed</i>
<i>Minimum head room</i>	<i>6 ft. - 8 inches</i>
<i>Maximum height between landings</i>	<i>12 feet</i>
<i>Minimum dimension of landing in direction of travel</i>	<i>44 inches direction</i>
<i>Doors opening immediately on stairs, without a landing at least width of door.</i>	<i>None allowed</i>

(f) ROOM SIZE. The minimum clear floor area per bed shall be 100 square feet in single rooms and 80 square feet per bed in multiple bedrooms, exclusive of vestibule, closets, built-in vanity and wardrobe, toilet rooms and built-in lockers.

(g) DINING RECREATION AND LIVING ROOM FACILITIES. There shall be a dining area provided in the facility of sufficient size to seat all residents at no more than 2 shifts. Dining tables and chairs shall be provided. TV trays or portable card tables shall not be acceptable dining tables.

1. Additional space shall be available for activity and recreation.

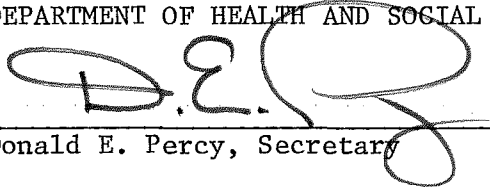
2. The combined floor space of dining, recreation and activity areas shall not be less than 15 square feet per bed. Solaria and lobby sitting-space may be included, but shall not include required exit paths. Required exit paths in these areas shall be at least 4 feet wide.

285810/SB:CF:SM:dg
10-16-79

The rule amendments and repeals contained in this order shall take effect on January 1, 1980, as provided in subsection H 32.27(9) pursuant to authority granted by s. 227.026(1)(b), Stats.

DATE: October 22, 1979

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



Donald E. Percy, Secretary

SEAL:

LRB or Bill No./Adm. Rule No.
H 32.27 & .28
Amendment No. if Applicable

Subject
CONSTRUCTION REQUIREMENTS - NURSING HOMES

Fiscal Effect
State: Increase Existing Appropriation Increase Costs -- May Be Possible to Absorb Within Agency's Budget Yes No
 Decrease Existing Appropriation Create New Appropriation Decrease Costs
 Increase Existing Revenues No State Fiscal Effect (Government)
 Decrease Existing Revenues

Local: No Local Fiscal Effect (see original FISCAL NOTE dated November 16, 1978)

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected None GPR FED PRO PRS SEG SEG-S
Affected Ch. 20 Appropriations None

Assumptions Used in Arriving at Fiscal Estimate
(See original FISCAL NOTE dated November 16, 1978 for county government effect.)

INCREASED FISCAL EFFECT ON NON-GOVERNMENT HOMES:
(\$20,000 per bed estimate for total replacement)

	<u>NAME</u>	<u>CITY</u>	<u>BEDS</u>	<u>MAXIMUM ESTIMATE</u>
1.	Barron Nursing Home	Barron	41	\$ 820,000
2.	Bethany Home	Rice Lake	78	1,560,000
3.	Ridge View Nursing Center	De Pere	38	760,000
4.	St. Michael's Home	Fountain City	47	940,000
5.	Cochrane Rest Home	Cochrane	20	400,000
6.	American Luterhan	Mondovi	49	980,000
7.	Eagleton Nursing Home	Bloomer	28	560,000
8.	Hetzel Care Center	Bloomer	31	620,000
9.	Havenet Home	Owen	37	740,000
10.	Oakwood Lutheran	Madison	20	400,000
11.	Berkins Home	Stoughton	16	320,000
12.	Sunset Home	Fairchild	73	1,460,000
13.	Green County	Brodhead	19	380,000
14.	Montello Convalescent	Montello	19	380,000
15.	Rosewood Home	West Allis	24	480,000
16.	Westview Home	Milwaukee	23	460,000
17.	Adobe Nursing Home	West Allis	19	380,000
18.	Hillcrest Nursing Home	West Allis	25	500,000
19.	Tad Memorial Home	Plum City	43	860,000
20.	Zimmerman Home	Reedsburg	12	240,000
21.	Beechwood Nursing Home	Kewaskum	27	540,000
22.	Golden Age Home	Whitehall	38	760,000
23.	Holton-Elkhorn Manor	Elkhorn	21	420,000
24.	Washington House	Oshkosh	21	420,000

Long-Range Fiscal Implications TOTAL \$15,380,000

(NCNE - Limited by rule implications)

Agency Department of Health & Social Services Division of Health Bureau of Quality Compliance	Authorized Signature/Telephone No. <i>Charles J. Hyss, Jr.</i> Charles J. Hyss, Jr. 608-267-7185	Date 10/15/79
---	---	------------------

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. H 32.27 & .28
Amendment

Subject: CONSTRUCTION REQUIREMENTS - NURSING HOMES

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

- NONE -

II. Annualized Costs: Annualized fiscal impact on State funds from Note: Treat fiscal costs like a "checkbook": Increased costs reduce available funds (-) decreased costs increase available funds (+).

A. State Costs by Category	Increased Costs	Decreased Costs
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
TOTAL State Costs by Category	\$ -	\$ +

B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR - NONE -	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+

C. FTE Position Changes

III. State Revenues-Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.	Decreased Rev.	Increased Rev.
GPR Taxes - NONE -	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
TOTAL State Revenues	\$ -	\$ +

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
NET Impact on State Funds	\$ (+) or - NONE - (-)		NET Impact on Local Funds	\$ (+) or - NONE - (-)	

Agency: Department of Health & Social Services
Division of Health
Bureau of Quality Compliance

Authorized Signature: Charles J. Fiss, Jr.
Date: 10/15/79



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

October 22, 1979

DIVISION OF HEALTH
MAIL ADDRESS: P. O. BOX 309
MADISON, WISCONSIN 53701

IN REPLY PLEASE REFER TO:

Mr. Gary Poulson
Assistant Revisor of Statutes
411 West Capitol
Madison, Wisconsin 53702

Dear Mr. Poulson:

As provided in s. 227.023(1), Stats., there is hereby submitted a certified copy of proposed amendments, repeals and creations of rules within Chapter H 32, Wisconsin Administrative Code, pertaining to the upgrading of physical plant facilities in nursing homes as adopted by the Secretary of the Department of Health and Social Services on October 22, 1979. In accordance with s. 227.018(2), Stats., the 30-day review by the appropriate legislative committee members expired on August 2, 1979. Before the 30-day period expired Senator Carl Thompson, Chairman, Human Services Committee, requested a meeting in Stoughton, August 15, 1979, to review the proposed rules. No other official meetings or hearings were requested by the committees.

These rules are also being submitted to the Secretary of State as required by s. 227.023(1), Stats.

It is our wish that the rules be published in the December 1979 edition of the Wisconsin Administrative Register for an effective date of January 1, 1980.

Attached are two printing requisitions. One is for 2000 copies of the blue covered H 32 which should include the above amendments, repeals and creations, and the other is for 1000 sets of the pages affected by the revisions for distribution to those affected by the rules. We will be pleased to receive a proof copy as soon as possible. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Robert Durkin".

Robert Durkin
Administrator

RD:SB:dg 162716

Enclosures