

CR 82-105

CERTIFICATE

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OCT 29 1982  
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Mention of Rules  
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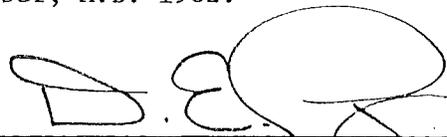
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

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 annexed rules relating to licensing of shelter care facilities for children were duly approved and adopted by this department on October 28, 1982.

I further certify that said copy has been compared by me 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 at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 28th day of October, A.D. 1982.



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

SEAL:

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

To repeal PW-CY 45.01; to renumber PW-CY 45.02 to 45.06; to amend HSS 59.03(3)(b), as renumbered; and to create HSS 59.01 and 59.02, relating to the licensing of shelter care facilities for children.

Analysis Prepared by the Department of Health and Social Services

The rules for licensing shelter care facilities for children are amended in minor ways to change or delete cross-references, take out unnecessary language, and recast the introductory and definition sections into currently proper form.

These rules are also renumbered to bring them into the HSS series in the Wisconsin Administrative Code. Eventually all rules of the Department will be in the HSS series in the multi-volume Code so that it will be easier for interested persons to identify and locate rules administered by the Department.

Pursuant to authority vested in the Department of Health and Social Services by s.48.67, Stats., the Department of Health and Social Services hereby renumbers, amends, repeals and adopts rules interpreting ss.48.48(9)(b) and 48.66 Stats., as follows:

SECTION 1. PW-CY 45.01 of the Wisconsin Administrative Code is repealed.

SECTION 2. HSS 59.01 and 59.02 of the Wisconsin Administrative Code are created to read:

HSS 59.01 INTRODUCTION (1) PURPOSE. The purpose of this chapter is to protect and promote the health, safety and welfare of children in shelter care facilities.

(2) TO WHOM THE RULES APPLY. This chapter applies to all persons making application to the department for a license to provide shelter care.

(3) RESPONSIBILITY OF THE DEPARTMENT. The department shall evaluate the applicant, issue a license if the applicant is qualified, and supervise the licensee to ensure continued compliance with this chapter.

(4) EXCEPTION TO RULES. The department may make exceptions to any of the rules for licensing shelter care facilities when the department is assured that granting such exceptions is not detrimental to the health, safety and welfare of children in shelter care, except that exceptions may not be made to ss. HSS 59.03(2)(b) or to s. HSS 59.05(2) or (3).

(5) COMPLIANCE WITH OTHER RULES. Persons applying for a license to operate a shelter care facility for more than 8 children shall also comply with applicable parts of the state building code, chs. IND 50 to 64.

(6) TYPES OF FACILITIES. (a) There shall be three types of shelter care facilities:

1. Family shelter care facilities which house from 1 to 4 children;
  2. Small group shelter care facilities which house 5 to 8 children;
- and
3. Large group shelter care facilities which house 9 to 20 children.

(b) Any shelter care facility licensed or approved by the department under rules for licensing child welfare institutions to house more than 20 children at the time this chapter goes into effect may continue to house the number of children for which it has been approved.

(7) INDIVIDUALLY LICENSED. All shelter care facilities shall be individually licensed, even though more than one may be owned or operated by the same person.

(8) MULTIPLE LICENSING. A facility licensed under s. 48.62 or 48.625, Stats., as a family foster home or group home by a county department of social services or the department may be licensed to concurrently provide shelter care as long as the applicant can show to the satisfaction of the department that the facility is capable of providing both types of care without lowering the level of services for any resident of the facility. Persons operating a facility with multiple licenses shall designate particular beds within the living unit for each type of service provided.

HSS 59.02 DEFINITIONS. In this chapter: (1) "Child" means an individual under 18 years of age, and refers both to a child placed for shelter care and to any other individual under 18 years of age living in the shelter care facility.

(2) "Department" means the Wisconsin department of health and social services.

(3) "Executive" means the individual designated by the board of a corporation to be primarily responsible for the administration of all shelter care facilities operated by the corporation.

(4) "Family care staffing" means that at least one shelter care worker, whether an independent operator or an employe of a licensee, has the facility as a primary domicile.

(5) "Licensee" means the person who is primarily responsible for the operation of a facility and who is licensed by the department to operate the facility.

(6) "Licensing agency" means the department.

(7) "Person" means any individual, partnership, association, corporation or public agency other than the department.

(8) "Privately-operated shelter care facility" means a facility operated by persons who are not county employees and from whom a county board of supervisors purchases services pursuant to s. 48.22(5), Stats.

(9) "Publicly-operated shelter care facility" means a facility operated by a county board of supervisors pursuant to s. 48.22(1), Stats.

(10) "Relief help" means an individual who is used to replace shelter care workers on an unscheduled basis and for a few hours or few days at a time. An individual regularly scheduled to replace shelter care workers on days off or for vacations and other prolonged periods is not relief help but an additional shelter care worker.

(11) "Shelter care" means short-term, non-secure residential care and physical custody of children pending court action. "Short-term" means a maximum of 30 days for each episode, with extension for up to another 30 days as provided in s. HSS 59.05(3).

(12) "Shelter care worker" means an individual who provides primary care and supervision of children in a shelter care facility on a regular schedule, either on a full-time or part-time basis.

(13) "Shift staffing" means that all shelter care workers employed by the licensee provide care on a rotating or shift basis in the shelter care facility.

(14) "Superintendent" means an individual designated pursuant to s. 48.22, Stats., by the juvenile court judge or, when 2 or more counties cooperate to provide shelter care, by a committee of juvenile court judges, to supervise the provision of shelter care within a county.

(15) "Unit supervisor" means the individual in a shelter care facility who is primarily responsible for supervising the day-to-day activities of that facility.

(16) "Volunteer" means any individual providing services to the shelter care facility who receives no monetary reimbursement for services. Payment for out-of-pocket expenses is not considered reimbursement for services.

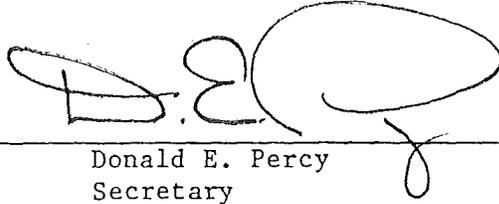
SECTION 3. PW-CY 45.02 of the Wisconsin Administrative Code is renumbered HSS 59.03, and HSS 59.03(3)(b), as renumbered, is amended to read:

(3)(b) The unit supervisor of any private or public shelter care facility and the executive of any corporation-operated shelter care facility shall be responsible to the superintendent of shelter care for implementing the policies established by the juvenile court judge ~~(s)~~ pursuant to ~~s. 48.21, Stats., 1975~~ s. 48.22, Stats., ~~as created by AB-876, 1977.~~

SECTION 4. PW-CY 45.03 to 45.06 of the Wisconsin Administrative Code are renumbered HSS 59.04 to 59.07.

The rules, repeals, and renumberings contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.227.026(1), Stats.

Department of Health and Social Services

A handwritten signature in black ink, appearing to read 'D.E. Percy', is written over a horizontal line. The signature is stylized and somewhat cursive.

Dated: 10-28-82

by

Donald E. Percy  
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE SECRETARY  
1 WEST WILSON STREET  
P.O. BOX 7850  
MADISON, WISCONSIN 53707

October 28, 1982

Mr. Orlan Prestegard  
Revisor of Statutes  
411 West, State Capitol  
Madison, Wisconsin 53702

**RECEIVED**  
OCT 29 1982  
4:00 pm  
Revisor of Statutes  
Bureau

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of HSS 59 relating to licensing of shelter care facilities for children.

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

Sincerely,

Donald E. Percy  
SECRETARY

Enclosure