

CR 84-252

CERTIFICATE

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Revisor of Statutes
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STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

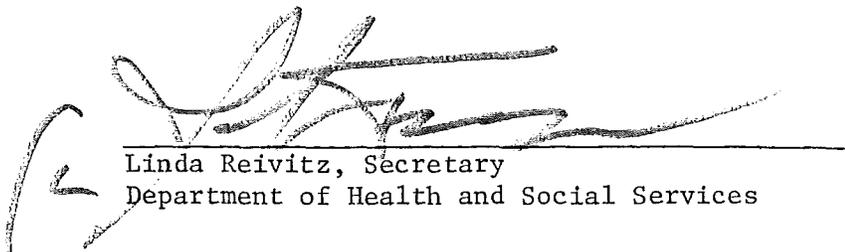
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, 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 a limit on the number of days the Department may take to make a determination on an application for a permit were duly approved and adopted by this Department on August 27, 1985.

I further certify that this 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 27th day of August 1985.

SEAL:


Linda Reivitz, Secretary
Department of Health and Social Services

Part 11-1-85
Part 12-1-85

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

To amend HSS 57.04(6)(b); to repeal and recreate H 24.01(1)(intro.) and (a) and 52.06, and HSS 3.08(2), 61.95(4), 133.03(4) and (5), and 171.04(1); and to create H 20.03(5) and 21.03(4), and HSS 52.02(3)(i), 54.02(3)(em), 111.07(2)(c), 132.14(5), 157.03(5), 165.04(7), and 172.10(1m), relating to a limit on the number of days the Department may take to make a determination on an application for a permit.

Analysis Prepared by the Department of Health and Social Services

This order revises 16 chapters of the Department's rules to insert in each chapter a limit on the number of days that the Department may take to make a determination on an application for a permit. The chapters contain rules for ambulance service providers and ambulance attendants, hospitals, renal dialysis and renal transplant centers, community residential facilities (CBRFs), child care institutions, group homes for children, outpatient psychotherapy clinics, nursing homes, home health agencies, radiation installations and equipment, clinical and milk-water laboratories and blood banks, and public swimming beaches and pools. Inserting a specific time period for the processing of permit applications in each of these chapters is required by s.227.0105, Stats., as created by 1983 Wisconsin Act 91. A permit is understood under that session law as any license, certification, registration, permit as such or other approval of the Department that a business must obtain in order to operate in the state. However, the limit on the time that the Department may take to review and make a decision on an application will apply whether the applicant is a business or not.

Pursuant to authority vested in the Department of Health and Social Services by ss.48.67, 49.48(2), 50.02(2), 50.36, 51.42(12), 140.05(3), 140.53(1)(a), 140.56(2), 141.15(2), 143.15(5), 146.35(8), 146.50(3) and 227.0105, Stats., the Department of Health and Social Services hereby amends, repeals and recreates, and creates rules interpreting ss.48.625, 48.60, 48.66, 49.48, 50.02, 50.32 to 50.39, 51.42, 140.05(17), 140.50 to 140.60, 141.15, 143.15, 146.35 and 146.50, Stats., as follows:

SECTION 1. H 20.03(5) is created to read:

H 20.03(5) ACTION BY THE DEPARTMENT. Within 60 days after receiving a complete application for an ambulance service provider license under sub. (1) or an ambulance attendant license under subs. (2) and (3), the department shall either approve the application and issue the license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial. In this subsection, "complete application" means, in reference to an ambulance service provider, a completed application form, the documentation necessary to establish that the requirements of s. H 20.03(1) are met and evidence that the vehicles to be used by the service have been inspected by the department's division of health for compliance with the design and

equipment standards contained or referenced in s.H.20.03(1)(a), or by the department of transportation; and, in reference to an ambulance attendant, a completed application form and documentation of training and of successful completion of the examination required under s. HSS 20.03(2) and (3).

SECTION 2. H 21.03(4) is created to read:

H 21.03(4) ACTION BY THE DEPARTMENT. Within 60 days after receiving a complete application for an emergency medical technician-advanced (paramedic) license under sub. (2), the department shall either approve the application and issue the license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial. In this subsection, "complete application" means a completed application form, evidence of training or of education and experience required under sub. (2)(b), and evidence of having passed the examinations required under sub. (2)(c) and (d).

SECTION 3. H 24.01(1)(intro.) and (a) are repealed and recreated to read:

H 24.01(1)(a). No hospital may operate in Wisconsin unless it is approved by the department. To be approved by the department, a hospital shall comply with this chapter and with all other applicable state laws and local ordinances. An application for approval shall be submitted to the department on forms provided by the department. Within 90 days after receiving a completed application for approval, the department shall either approve or deny the application. If the application for approval is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 4. H 52.06 is repealed and recreated to read:

H 52.06 CERTIFICATION OF ESRD UNITS. (1) Certification of dialysis and transplant centers and facilities for purposes of reimbursement under the program may be granted by the department based upon ESRD certification under the Medicare program, adherence to this chapter or an acceptable plan for correcting deficiencies, and the advice of the state CRD program advisory review committee. Recertification is required annually.

(2) An application for certification shall be submitted to the department on forms provided by the department. Within 60 days after receiving a complete application for certification, the department shall either approve or deny the application. If the application is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 5. HSS 3.08(2) is repealed and recreated to read:

HSS 3.08(2) APPROVAL. (a) Within 70 days after receiving a complete application for a CBRF license, consisting of a completed application form,

the program plan, the floor plan and supporting documents, and following an onsite survey by a designated representative of the department to determine whether or not the applicant is in compliance with all requirements of this chapter, the department shall either approve or deny the application. If the application is approved, the department shall issue a CBRF license. If the application is denied, the department shall specify the area of non-compliance, the applicant shall be given an opportunity to make the necessary changes, and the department shall make a new determination on the application within 30 days after the applicant notifies the department's representative that the necessary changes have been made.

SECTION 6. HSS 52.02(3)(i) is created to read:

HSS 52.02(3)(i). Within 60 days after receiving a complete application for a child care institution license, the department shall either approve the application and issue the license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 7. HSS 54.02(3)(em) is created to read:

HSS 54.02(3)(em). Within 60 days after receiving a complete application for a child-placing agency license, the department shall either approve the application and issue a license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 8. HSS 57.04(6)(b) is amended to read:

HSS 57.04(6)(b) Within 60 days after receiving a complete application for a group home license, the department shall make a determination on the application. If the applicant meets the requirements of this chapter, a license shall be issued which the department shall issue a license. The license shall specify the location of the group home, the sex, age and number of foster children it may receive, the expiration date of the license and any other limiting conditions. If a corporation or public agency desires to operate more than one group home, it shall apply for a separate license for each home. If the application does not meet the requirements of this chapter, the department shall deny the application and shall give the applicant reasons, in writing, for the denial.

SECTION 9. HSS 61.95(4) is repealed and recreated to read:

HSS 61.95(4) ISSUANCE OF CERTIFICATION. Within 60 days after receiving a complete application for outpatient psychotherapy clinic certification, the department shall issue the certification if all requirements for certification are met. If the application for certification is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 10. HSS 111.07(2)(c) is created to read:

HSS 111.07(2)(c) ACTION BY THE DEPARTMENT. Within 60 days after receiving a complete application for emergency medical technician-intermediate certification under par. (a), the department shall either approve the application and certify the applicant or deny the application. If the application for certification is denied, the department shall give the applicant reasons, in writing, for the denial. In this paragraph, "complete application" means a completed application form, evidence of experience in emergency care and transportation required under par. (a)5, evidence of training and skill performance required under par. (a) 6 and 7 and evidence of having successfully passed the examination required under par. (a) 8.

SECTION 11. HSS 132.14(5) is created to read:

HSS 132.14(5) ACTION BY THE DEPARTMENT. Within 90 days after receiving a complete application for a nursing home license, the department shall either approve the application and issue a license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 12. HSS 133.03(4) and (5) are repealed and recreated to read:

HSS 133.03(4) ISSUANCE OF LICENSE. (a) Following receipt of a complete application for a new license or for a license change when there has been a change in the ownership of a home health agency, the department shall investigate the application to determine the applicant's ability to comply with this chapter.

(b) Within 90 days after receiving a complete application, the department shall either approve the application and issue a license or deny the application, except that if the department has not completed its investigation within that period of time or the agency under s.141.15(10), Stats., is temporarily unable to conform to all the rules in this chapter, the department may within the 90-day period issue a probationary license for a term of 90 days and may renew that license for additional 90-day terms up to one year pending completion of the department's investigation.

(c) The department may not charge an additional fee for the original regular license issued to a home health agency that has had a probationary license.

(5) DURATION OF ORIGINAL REGULAR LICENSE. The department shall issue an original regular license for a period of one year from the previous June 1.

SECTION 13. HSS 157.03(5) is created to read:

HSS 157.03(5) ACTION BY THE DEPARTMENT. Within 30 days after receiving a complete application for registration and within 60 days after receiving a complete plan for approval under this chapter, the department shall register the installation or equipment or approve or deny approval to the plan and, in the case of the plan, shall inform the person in control or other person submitting the plan of that decision.

SECTION 14. HSS 165.04(7) is created to read:

HSS 165.04(7) Within 60 days after receiving a complete application for certification of a laboratory or blood bank, the department shall either approve the application and issue the certification or deny the application. If the application for certification is denied, the department shall give the applicant reasons, in writing, for the denial.

SECTION 15. HSS 171.04(1) is repealed and recreated to read:

HSS 171.04(1) APPROVAL. (a) Every owner, personally or through his or her engineer or architect, shall obtain the department's approval for plans and specifications covering construction, alteration or reconstruction of public swimming places or installation or alteration of their equipment prior to the start of construction or installation. No deviation from the plans and specifications or conditions of approval may be made without

prior approval of the department except as provided in s. HSS 171.03(12). Preliminary plans and specifications may be submitted for review and comment.

(b) Within 60 days after receiving complete plans and specifications for approval, the department shall either approve the plans and specifications or deny approval to the plans and specifications.

SECTION 16. HSS 172.10(1m) is created to read:

HSS 172.10(1m) ACTION BY THE DEPARTMENT. Within 60 days after receiving a complete application for a license for a public swimming pool, the department or its agent designated under s.50.535(2), Stats., shall either approve the application and issue a license or deny the application. If the application for a license is denied, the department or its agent designated under s.50.535(2), Stats., shall give the applicant reasons, in writing, for the denial.

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

Wisconsin Department of Health
and Social Services

DATE: August 27, 1985

By: 
Linda Reivitz
Secretary

SEAL:

CERTIFICATE

STATE OF WISCONSIN)
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DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

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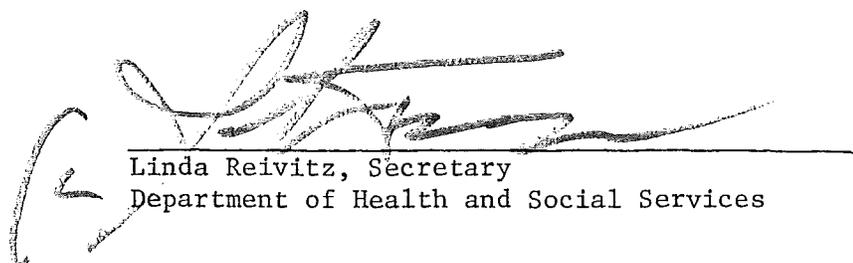
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SEAL:



Linda Reivitz, Secretary
Department of Health and Social Services



State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

August 28, 1985

Linda Reivitz
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

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

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AUG 28 1985

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of H 20 et al, administrative rules relating to establishment of a maximum number of days for the Department to make a determination on an application for a permit.

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

Sincerely,

Linda Reivitz
SECRETARY

Enclosure