

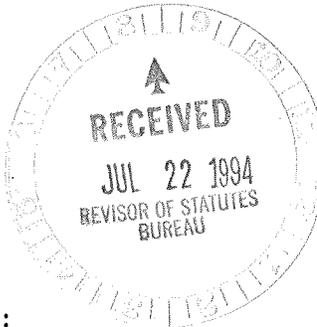
CR 93-241

CERTIFICATE

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

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed emergency rules relating to fees for review of health care facility construction and remodeling plans were duly approved and adopted by this Department on July 22, 1994.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.



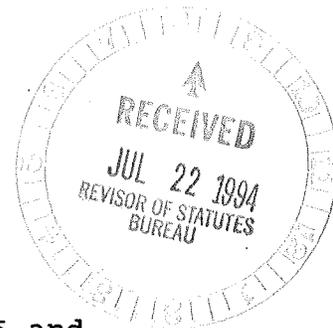
SEAL:

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 22nd day of July, 1994.

  
\_\_\_\_\_  
Gerald Whitburn, Secretary  
Department of Health and Social Services

9-1-94

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
CREATING RULES



To create HSS 3.53(2), 3.65(2g), 124.27(5m), 132.815 and 134.815, relating to fees for review of construction and remodeling plans for hospitals, nursing homes, facilities for the developmentally disabled and community-based residential facilities for more than 20 residents, and for review of plans for sprinkler systems for community-based residential facilities of any size.

Analysis Prepared by the Department of Health and Social Services

Sections 50.02(2)(b), 50.025 and 50.36(2), Stats., as amended by 1993 Wisconsin Act 16, require the Department to promulgate rules that establish a fee schedule for Department review of construction and remodeling plans for nursing homes, community-based residential facilities (CBRF) and hospitals. The fees set by rule are to take the place of statute-set fees that date from 1977. The new fees are to cover the costs to the Department of conducting plan reviews.

The statute-set fees ranged from \$25 to \$2500, depending on the estimated dollar value of a project. The fees established by this rulemaking order range from \$100 to \$5,000, again depending on the estimated dollar value of a project, and are the same for all types of facilities.

This order adds an identical fee schedule to ch. HSS 124, rules for hospitals, ch. HSS 132, rules for nursing homes, ch. HSS 134, rules for facilities for the developmentally disabled and ch. HSS 3, rules for community-based residential facilities in the part that applies to facilities for more than 20 residents, and adds language in ch. HSS 3 to make clear that plans for a sprinkler system for a CBRF of any size, and not only a CBRF for more than 20 residents, are subject to review and approval by the Department before installation of the sprinkler system.

The new fees are based on an estimate of the amount the Department must charge in order to cover the cost of conducting a plan review.

The Department's authority to create these rules is found in ss. 50.02(2)(b), 50.025 and 50.36(2), Stats., as amended by 1993 Wisconsin Act 16. The rules interpret ss. 50.02(2)(b), 50.025

and 50.36(2), Stats., as amended by 1993 Wisconsin Act 16.

SECTION 1. HSS 3.53(2) is created to read:

HSS 3.53(2) REVIEW OF PLANS AND ON-SITE INSPECTION. Final plans and calculations for the installation of a sprinkler system in a CBRF for 20 or fewer residents shall be submitted to the department for review and approval before installation. Before final approval, the facility shall submit the appropriate fee for plan review in the schedule under s. HSS 3.65(2g). At least one on-site inspection shall be conducted by a department engineer to ensure that the sprinkler system is installed according to department requirements. The department shall not issue a license until it verifies that installation of the sprinkler system complies with the approved plans.

Note: Plan reviews and inspections to determine compliance with this chapter are done by professional engineers in the Division of Health, Bureau of Quality Compliance. For an application form, write the Bureau of Quality Compliance, P.O. Box 309, Madison, WI 53701, or phone (608) 266-8084.

SECTION 2. HSS 3.65(2g) is created to read:

HSS 3.65(2g) FEES FOR PLAN REVIEWS. (a) Basic fee schedule. The fees established in this subsection shall be paid to the department for providing the plan review services under sub.(2). The department may withhold providing services to parties who have past due accounts with the department for plan review services. The department shall charge a CBRF a fee according to the following schedule for review of plans for the construction of a new building, addition to an existing building, conversion of an existing building to be a CBRF or installation of a sprinkler system, or for major remodeling or alterations of an existing building:

1. For projects with an estimated dollar value of less than \$5000, a fee of \$100;
2. For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, a fee of \$300;
3. For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, a fee of \$500;

4. For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, a fee of \$750;

5. For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, a fee of \$1,500;

6. For projects with an estimated dollar value of at least \$1 million but less than \$5 million, a fee of \$2,500; and

7. For projects with an estimated dollar value of over \$5 million, a fee of \$5,000.

(b) Handling and copying fees. 1. The department shall charge a handling fee of \$50 per plan to the submitting party for any plan which is submitted to the department, entered into the department's system and then the submitting party requests that it be returned prior to review.

2. The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

SECTION 3. HSS 124.27(5m) is created to read:

HSS 124.27(5m) FEES FOR PLAN REVIEWS. (a) Basic fee schedule. The fees established in this subsection shall be paid to the department for providing plan review services under sub.(5). The department may withhold providing services to parties who have past due accounts with the department for plan review services. The department shall charge hospitals the following fees for review of plans for all capital construction and remodeling projects:

1. For projects with an estimated dollar value of less than \$5000, a fee of \$100;

2. For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, a fee of \$300;

3. For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, a fee of \$500;

4. For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, a fee of \$750;

5. For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, a fee of \$1,500;

6. For projects with an estimated dollar value of at least \$1 million but less than \$5 million, a fee of \$2,500; and

7. For projects with an estimated dollar value of over \$5 million, a fee of \$5,000.

(b) Handling and copying fees. 1. The department shall charge a handling fee of \$50 per plan to the submitting party for any plan which is submitted to the department, entered into the department's system and then the submitting party requests that it be returned prior to review;

2. The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

SECTION 4. HSS 132.815 is created to read:

HSS 132.815 FEES FOR PLAN REVIEWS. (1) REQUIREMENT. Before the start of any construction or remodeling project for a nursing home, the plans for the construction or remodeling shall be submitted to the department, pursuant to s. HSS 132.84(17), for review and approval by the department. The fees established in this section shall be paid to the department for providing plan review services.

(2) BASIC FEE SCHEDULE. The department shall charge nursing homes the following fees for review of plans for all capital construction and remodeling projects:

(a) For projects with an estimated dollar value of less than \$5,000, a fee of \$100;

(b) For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, a fee of \$300;

(c) For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, a fee of \$500;

(d) For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, a fee of \$750;

(e) For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, a fee of \$1,500;

(f) For projects with an estimated dollar value of at least \$1 million but less than \$5 million, a fee of \$2,500; and

(g) For projects with an estimated dollar value of over \$5 million, a fee of \$5,000.

(3) HANDLING AND COPYING FEES. (a) The department shall

charge a handling fee of \$50 per plan to the submitting party for any plan which is submitted to the department, entered into the department's system and then the submitting party requests that it be returned prior to review.

(b) The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

SECTION 5. HSS 134.815 is created to read:

HSS 134.815 FEES FOR PLAN REVIEWS. (1) REQUIREMENT. Before the start of any construction or remodeling project for a facility for the developmentally disabled, the plans for the construction or remodeling shall be submitted to the department, pursuant to s. HSS 134.84(1), for review and approval by the department. The fees established in this section shall be paid to the department for providing plan review services.

(2) BASIC FEE SCHEDULE. The department shall charge facilities for the developmentally disabled the following fees for review of plans for all capital construction and remodeling projects:

(a) For projects with an estimated dollar value of less than \$5,000, a fee of \$100;

(b) For projects with an estimated dollar value of at least \$5,000 but less than \$25,000, a fee of \$300;

(c) For projects with an estimated dollar value of at least \$25,000 but less than \$100,000, a fee of \$500;

(d) For projects with an estimated dollar value of at least \$100,000 but less than \$500,000, a fee of \$750;

(e) For projects with an estimated dollar value of at least \$500,000 but less than \$1 million, a fee of \$1,500;

(f) For projects with an estimated dollar value of at least \$1 million but less than \$5 million, a fee of \$2,500; and

(g) For projects with an estimated dollar value of over \$5 million, a fee of \$5,000.

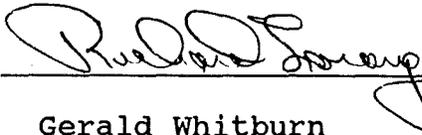
(3) HANDLING AND COPYING FEES. (a) The department shall charge a handling fee of \$50 per plan to the submitting party for any plan which is submitted to the department, entered into the department's system and then the submitting party requests that it be returned prior to review.

(b) The department may charge a photocopying fee of 25 cents per page to anyone who requests copies of construction or remodeling plans, except that a fee of \$5 per plan sheet shall be charged for reproduction of plan sheets larger than legal size.

The rules 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. 227.22(2), Stats.

Wisconsin Department of Health  
and Social Services

Dated: July 22, 1994

By: 

Gerald Whitburn  
Secretary

Seal:



Tommy G. Thompson  
Governor  
Gerald Whitburn  
Secretary

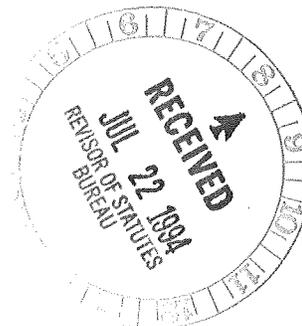


Mailing Address  
1 West Wilson Street  
Post Office Box 7850  
Madison, WI 53707-7850  
Telephone (608) 266-9622

## State of Wisconsin Department of Health and Social Services

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July 22, 1994



Mr. Bruce E. Munson  
Revisor of Statutes  
131 W. Wilson St., Suite 800  
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of chs. HSS 3, 124, 132 and 134, administrative rules relating to fees for review of health care facility construction and remodeling plans.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

  
Gerald Whitburn  
Secretary

Enclosure